

WEST NORTHAMPTONSHIRE COUNCIL COUNCIL

2 December 2021

Councillor Mike Hallam, Cabinet Member for HR and Corporate Services

Report Title **Joint Health Overview and Scrutiny Committee concerning the Horton General Hospital, Banbury**

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List of Appendices

Appendix A – Horton Joint Health Overview and Scrutiny Committee Terms of Reference

1. Purpose of Report

- 1.1. The report invites the Council to agree whether it will participate in a joint health overview and scrutiny committee concerning the Horton General Hospital in Banbury and, subject to that decision, to agree the terms of reference for the committee and to appoint a councillor as a member of it.

2. Executive Summary

- 1.2. The Horton Joint Health Overview and Scrutiny Committee was established in 2018/19 by Oxfordshire, Northamptonshire and Warwickshire county councils to scrutinise plans for the

provision of services at the Horton General Hospital, Banbury. The use of a joint approach reflects statutory requirements relating to scrutiny of proposed service changes that affect more than one local authority area.

- 1.3. There continues to be a task for the Horton Joint Health Overview and Scrutiny Committee to scrutinise the evolving masterplan for the Horton General Hospital. West Northamptonshire Council is now responsible for scrutinising health services in the area of Northamptonshire served by the Horton General Hospital, as the successor to Northamptonshire County Council.
- 1.4. It is necessary for the Council to agree whether it will participate in the Horton Joint Health Overview and Scrutiny Committee. If it does agree to participate, the Council must also approve the operating arrangements for the Committee and appoint a councillor as a member of it.

3. Recommendations

- 3.1 It is recommended that the Council:
 - a) Agrees to participate in the Horton Joint Health Overview and Scrutiny Committee with Oxfordshire and Warwickshire county councils.
- 3.2 In the event of a positive resolution on recommendation (a) above, it is further recommended that the Council:
 - b) Agrees the terms of reference for the Horton Joint Health Overview and Scrutiny Committee set out at Appendix A to this report.
 - c) Agrees to delegate the Council's statutory health scrutiny functions to the Horton Joint Health Overview and Scrutiny Committee solely in relation to scrutiny of those matters within the Joint Health Overview and Scrutiny Committee's terms of reference.
 - d) Appoints Councillor Rosie Herring as a member of the Horton Joint Health Overview and Scrutiny Committee for 2021/22.

4. Reason for Recommendations

- 4.1 The recommendations are intended to enable West Northamptonshire Council to agree whether it will participate in scrutiny of plans for services used by residents in a part of the local authority area. The way in which this would be done reflects applicable statutory requirements and previous practice.

5. Report Background

- 5.1 Shire and unitary authorities have statutory responsibilities for scrutinising health services in their areas. These responsibilities are based on the National Health Service Act 2006, the Health & Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

5.2 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 set out the following specific requirements:

- Regulation 21 Review and scrutiny

A local authority may review and scrutinise any matter relating to the planning, provision and operation of the health service in its area.

- Regulation 23 Consultation

Where a relevant NHS body or health service provider has under consideration any proposal for a substantial development of the health service in the area of a local authority, or for a substantial variation in the provision of such service, it must consult the local authority.

- Regulation 28 Discharge of health scrutiny functions by overview and scrutiny committees

A local authority may arrange for its health scrutiny functions to be discharged by an overview and scrutiny committee of the authority.

[West Northamptonshire Council has agreed that its health scrutiny functions will be carried out by the People Overview and Scrutiny Committee].

- Regulation 30 Joint committees

Where a relevant NHS body or health service provider consults more than one local authority pursuant to Regulation 23, those local authorities must appoint a joint overview and scrutiny committee for the purposes of the consultation and only that joint overview and scrutiny committee may—

(a) make comments on the proposal that is the subject of consultation

(b) require the provision of information about the proposal

(c) require a member or employee of a relevant NHS body or a relevant health service provider to attend before it to answer questions in connection with the consultation.

6. Issues and Choices

6.1 The Oxfordshire Clinical Commissioning Group (OCCG) carried out public consultation in 2017 on proposals to close consultant-led obstetric services at the Horton General Hospital, Banbury. OCCG's proposals were scrutinised by the Oxfordshire County Council and Oxford City Council Joint Health Overview and Scrutiny Committee (: the Oxfordshire JHOSC). The Oxfordshire JHOSC ultimately agreed to refer OCCG's proposals to the Secretary of State for Health, on the grounds that the Oxfordshire JHOSC considered that the proposals were not in the best interests of the residents of Oxfordshire and that consultation with the Oxfordshire JHOSC had been insufficient.

The Secretary of State passed the matter to the NHS Independent Reconfiguration Panel (IRP) for assessment.

6.2 The Secretary of State subsequently concluded that “further action is required locally before a final decision is made about the future of maternity services in Oxfordshire” and supported the following recommendations on the matter:

- Health scrutiny and OCCG should work together to invite stakeholders from surrounding areas that are impacted by these proposals to participate in this debate going forward. This should include the consideration of forming a joint overview and scrutiny committee covering a wider area (for example, all of the local authorities that took part in the consultation) which would help meet the concerns expressed in the IRP’s report of their review.
- Where OCCG consults more than one local authority about a proposal, they must appoint a joint overview and scrutiny committee for the purposes of the consultation.

6.3 In light of this conclusion in April 2018 the Oxfordshire JHOSC contacted Northamptonshire and Warwickshire county councils – as the authorities with health scrutiny responsibilities for the other areas served by the Horton General Hospital – to request that they formally agree to establish a joint health overview and scrutiny committee to scrutinise consultation proposals on consultant-led obstetric services (: the Horton Joint Health Overview and Scrutiny Committee, referred to as the Horton JHOSC in the remainder of this report).

6.4 This proposal required Oxfordshire, Northamptonshire and Warwickshire county councils each to delegate health scrutiny powers relating to the service change proposals concerning the Horton General Hospital to the Horton JHOSC. The powers of the Horton JHOSC related only to the proposals and consultation on consultant-led obstetric services at the Horton General Hospital and meant that:

- Only the Horton JHOSC could respond to the consultation
- Only the Horton JHOSC could exercise the formal power to require the provision of information
- Only the Horton JHOSC could exercise the formal power to require attendance
- The Horton JHOSC would hold the formal power to make a referral to the Secretary of State on the consultation proposals concerning consultant-led obstetric services at the Horton General Hospital.

6.5 Northamptonshire County Council agreed to establish the Horton JHOSC and the proposed terms of reference for it at the Council meeting on 17th May 2018.

6.6 The Horton JHOSC held 7 formal meetings between September 2018 and September 2019 to scrutinise proposals for the future of consultant-led obstetric services at the Horton General Hospital under consideration by OCCG. The Horton JHOSC ultimately agreed to refer these proposals to the Secretary of State for Health on the grounds that it was not satisfied with the

content of consultation and that it considered that the proposals would not be in the best interests of local health services. The Secretary of State did not refer these proposals to the IRP.

- 6.7 In the process of reaching the conclusion referred to in paragraph 6.6 above the Horton JHOSC acknowledged that relevant health service bodies were working to improve the Horton General Hospital. The Horton JHOSC considered that it would be beneficial for it to continue to meet to hold to account these bodies for the development of a masterplan for the Horton General Hospital, intended to provide high quality, flexible clinical space that could be used for different services over time, including obstetric services if circumstances demanded. The Horton JHOSC's conclusion about the merits of further scrutiny was also endorsed by the Oxfordshire JHOSC.
- 6.8 This situation resulted in the development of updated terms of reference for the Horton JHOSC intended to revise its scope to permit scrutiny of the Horton General Hospital masterplan. The updated terms of reference were agreed by each of Oxfordshire, Northamptonshire and Warwickshire county councils at meetings on 14th July 2020, 17th September 2020 and 13th October 2020 respectively. The Horton JHOSC held one formal meeting in 2020/21.
- 6.9 There continues to be a task for the Horton JHOSC to scrutinise the evolving masterplan for the Horton General Hospital, which will potentially be done at meetings during January – March 2022. However, since the last meeting of the Horton JHOSC West Northamptonshire Council has succeeded Northamptonshire County Council as the local authority with responsibility for scrutinising health services in the area of Northamptonshire served by the Horton General Hospital. This creates the need for West Northamptonshire Council now to confirm whether it will participate in the Horton JHOSC. If the Council agrees that it will participate it must then approve the terms of reference for the Horton JHOSC, which are set out at Appendix A to this report. The Council must also appoint one councillor to sit on the Horton JHOSC. The terms of reference specify that this appointment:
- will reflect the political balance of [the] authority
 - will be appointed from the membership of [the] overview and scrutiny committees that [has] responsibility for discharging health scrutiny functions.
- 6.10 It is proposed that the Council appoints Councillor Rosie Herring as its member of the Horton JHOSC for 2021/22. This appointment will meet the requirements of the terms of reference highlighted in paragraph 6.9 above and Councillor Herring also represents a ward in the part of West Northamptonshire served by the Horton General Hospital.
- 6.11 As noted in paragraph 5.2 above, regulations relating to health scrutiny require joint scrutiny of service change proposals that affect more than one local authority area. This effectively precludes West Northamptonshire Council from seeking to scrutinise this matter unilaterally. It would also be open to the Council to determine that it did not wish to participate in the work of the Horton JHOSC, for example, if it considered that this was fundamentally a matter that affected Oxfordshire. However, the Council should be aware of how such a decision might be perceived by relevant stakeholders. It could also involve a risk of hampering further work by the other two local authorities concerned.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 There are no specific resources or financial implications arising from the proposals. The terms of reference for the Horton JHOSC specify that Oxfordshire County Council will act as the host authority for the JHOSC and will support its operation. There should therefore be no financial implications to West Northamptonshire Council from a decision to participate in the JHOSC. Any costs arising from West Northamptonshire councillors attending meetings of the Horton JHOSC will be met from existing budgets that support councillors in carrying out their role.

7.2 Legal

7.2.1 There are no specific legal implications arising from the proposals in this report. The operating arrangements for the Horton JHOSC reflect statutory requirements relating to health scrutiny and have been in place since 2018/19.

7.3 Risk

7.3.1 There are no significant risks arising from the proposals in this report.

7.4 Consultation

7.4.1 No formal consultation was necessary prior to presenting the proposals in this report to Council. Information on the Horton JHOSC has been shared with the Leader of the Council and with Councillor Herring as the Chair of the People Overview and Scrutiny Committee.

7.5 Consideration by Overview and Scrutiny

7.5.1 The report has not been considered by Overview and Scrutiny.

7.6 Climate Impact

7.6.1 The proposals have no specific climate impact.

7.7 Community Impact

7.7.1 Participation in the Horton JHOSC would enable West Northamptonshire Council to contribute to scrutiny of a matter that affects communities in the south of the local authority area.

7.8 Communications

7.8.1 The proposals have no specific communications implications.

8. Background Papers

Joint health overview and scrutiny committee concerning services at the Horton General Hospital, Banbury – report to Northamptonshire County Council (17th May 2018)

Proposed revision of the terms of reference for the joint health overview and scrutiny committee concerning the Horton General Hospital, Banbury – report to Northamptonshire County Council (17th September 2020)