

AT A MEETING
- of the -
SPECIAL TIME LIMITED
HEALTH SCRUTINY PANEL
held at the Council House,
Walsall on **Tuesday 23**
August 2005 at 6.00 p.m.

PRESENT

Councillor Arif
Councillor Bird
Councillor Clarke
Councillor D. Pitt
Councillor Robertson
Councillor Robinson
Councillor Wilkes

OFFICERS IN ATTENDANCE

Dave Martin, (Executive Director)
Bhupinder Gill, (Assistant Director for Law)

SCRUTINY SUPPORT

Helen Dudson, (Interim Scrutiny Manager)

1. ELECTION OF CHAIR

Dave Martin opened the meeting and explained that it fell to officers to request nominations for a chair as whilst ordinarily the chair of a scrutiny panel would be selected at council it was not able to on this occasion as membership of the panel was known at that point.

Councillor Wilkes voiced concerns regarding the suitability of some members of the panel due to their conflicts of interest and that he believed the Conservative members were subject to the party whip at council when the motion regarding this panel was heard. Councillor Bird stated that Conservative members were not whipped and Bhupinder Gill clarified the issue of conflicts of interest by reaffirming that responsibility to declare an interest rests with the individual as only they are able to decide if there is a conflict and whether this impacts on the level of their further participation.

Dave Martin confirmed with members that this didn't impede the selection of a chair as this was not an issue subject to declaration of interest. It was agreed to select a chair to act until the next point in the scrutiny process and that the selection would be reported back to council. Dave Martin requested nominations.

Councillor Robinson nominated Councillor Bird as Chair. This nomination was seconded by Councillor Robertson.

Councillor D. Pitt nominated Councillor Arif. As this nomination was not seconded the panel were left to vote on the nomination of Councillor Bird. This nomination was carried and Dave Martin handed the chairing of the meeting over to Councillor Bird as Chair.

2. ELECTION OF VICE CHAIR

Councillor Bird invited nominations for vice chair.

Councillor Wilkes nominated Councillor Robertson. This nomination was seconded by Councillor Robinson and duly moved as no other nominations were received.

3. APOLOGIES

Apologies for non attendance were submitted on behalf of Councillor Walker and Councillor Woodruff.

4. SUBSTITUTIONS

No substitutions were received for this meeting. Councillor Bird asked for clarity on the formal delegations of this panel as felt some were needed. Dave Martin suggested that this could be discussed at a later point as once members had received some information they would be better placed to know what was needed.

5. DECLARATIONS OF INTEREST AND PARTY WHIP

Councillor D. Pitt stated that he was an employee of the West Midlands Ambulance Service but felt that this was a personal interest. This was agreed.

There were no further declarations of interest.

6. REMIT AND TERMS OF REFERENCE

Dave Martin informed members of the detailed piece of work conducted by the Black Country Review which examined the long term provision of health services across the sub region. Emanating from this Wolverhampton and Walsall Hospital Trusts both voiced concerns in relation to the viability of clinical services, especially in the context of their respective Public Finance Initiative plans. They both therefore made a decision to approach the Strategic Health Authority to seek the permission of the Secretary of State to go out to consultation on the possible merger of the two Trust boards. Such a merger in itself would not require or imply a rationalisation of clinical services and initially it was envisaged that there would be parallel consultation on any favoured service reconfiguration.. Subsequently however it was decided to run the two processes as a single consultation which would seem to hold a greater logic.

Dave Martin then went on to explain the overall time frame for the two stages of the consultation. From September - November it was planned to have a

widespread public engagement exercise to consider the range of possible options. Then from November - February there would be a formal statutory consultation on the preferred option based on phase 1. It was at this second stage that the Scrutiny Panel would have its most formed input and would be particularly required to oversee that the consultation process is robust, inclusive and fit for purpose.

Dave Martin confirmed that the consultation involved Wolverhampton and Walsall but that by implication also involved Dudley due to the overlap in clinical services and care. Members asked about Sandwell and other authorities in the region. Dave Martin agreed with members that it was a complicated issue and much depended on how much we wanted to look at as could potentially include Sandwell, Cannock and South Staffordshire authorities as well.

Councillor Bird asked if, in light of the wider area this involved it was still appropriate to go ahead with the meeting on 31 August as only Walsall NHS Trust was attending. Dave Martin informed the panel that it is the statutory obligation of the local health trust to engage councillors in the process and that the meeting on the 31st was purely information giving. Members agreed the necessity to avoid getting into the consultation process at this stage as a stand alone panel.

Dave Martin informed members that a meeting was being arranged for 6 September for officers from Wolverhampton, Dudley and Walsall to look at the technical expectations and then they would feed back to members in relation to the probable need for a joint panel.

Councillor Bird stated he was unhappy that the meeting with the NHS trust had been arranged for the 31 August as this clashed with development control. Dave Martin agreed it was unfortunate but it was a case of optimal availability of all concerned.

Councillor Bird voiced opinion that delegations were needed if panel would be making recommendations. Councillor Robertson shared his concerns that Walsall's position may be compromised if take action prior to any joint scrutiny arrangements that may develop. Dave Martin suggested that this could be averted by the panel avoiding making decisions until the context within which decisions were needed had been fully clarified.

Councillor Bird asked if officers were aware of how Wolverhampton was addressing the issue. Dave Martin informed members that as far as he was aware Wolverhampton was waiting for the end of summer before progressing further in the knowledge that the consultation was likely to need joint scrutiny.

Councillor Arif informed the panel that he and Councillor D. Pitt had attended a public meeting on 29 July 2005 and that it was the tPCT that was organising the consultation not the hospital trust and should they not be attending on 31 August. Dave Martin confirmed that this was also officers understanding but that the Chief Executive of the tPCT had delegated some aspects of the consultation to the Acute Trust. Both Chief Executives however were due to attend on August 31st and could clarify the leadership issue at that point.

Councillor Bird expressed the opinion that it would be important to hear the views of senior clinical staff when considering the consultation. Dave Martin agreed that this would be an approach that could be adopted and had been adopted when Sandwell and Birmingham authorities had looked at merging services. In that instance the scrutiny panel functioned as a select committee that sat for a certain period of time to receive information.

Councillor Arif stated he understood that the NHS Trust had consulted employees via a survey and asked if this was something that should be looked at. It was agreed that this would be something to raise with the trust representatives at the meeting on the 31 August but again the need to await clarification about the need to work jointly starting detailed gathering of information was reinforced.

Bhupinder Gill stated that there were obviously a number of interesting questions the consultation posed but that the panel needed to consider whether the proposals were 'substantial'. If they are 'substantial' it is mandatory for joint scrutiny arrangements to be put in place and it would be the role of this panel to recommend to council that they enter into joint scrutiny arrangements. This joint scrutiny committee would then scrutinise the consultation.

Councillor Bird voiced concern regarding the schedule of the next meeting in light of the council meeting schedule for 12 September and whether a proposal needed to be put forward so the opportunity was not lost and delays in proceeding occurred. Bhupinder Gill confirmed that joint scrutiny arrangements would need to be established through council and that a special council may be needed and suggested that the first step may be to request officers contact Wolverhampton to learn their views prior to the meeting on the 31 August. Dave Martin expressed the view that Wolverhampton will probably not have formalised a view in time for the council meeting on 12 September so any recommendation would need to be conditional. It was not clear what the position was in Dudley.

Councillor Arif asked for clarity regarding the officer meeting on 6 September. Dave Martin explained the meeting was being arranged due to the complexity of the issue and that it was the first time officers were able to sit down together to discuss the options, identify views and share best practice. Officers would then report back to members any recommendations for how scrutiny arrangements could be moved forward.

Councillor Bird expressed the view that it was important that the process was transparent and publicised. The importance of informed publicity regarding the consultation and the work of the panel was reiterated by councillors Robertson, Robinson and Wilkes.

7. APPOINTMENT OF CO-OPTED MEMBERS

No co-optees were identified.

8. JOINT SCRUTINY ARRANGEMENTS

Helen Dudson circulated a briefing note regarding joint scrutiny arrangements and a framework for deciding whether the proposals are 'substantial' Bhupinder Gill informed members that if the decision is made that it is 'substantial' then the joint scrutiny committee will agree it's terms of reference, how scrutiny will be conducted and the need and identification of co-optees.

Members agreed to take the briefing note with them for consideration prior to the meeting on 31 August 2005.

Members discussed the role they should play between now and the formal decision regarding how scrutiny will move forward in light of the growing public concern. Correction of misinformation was felt to be acceptable. Dave Martin reminded the panel that the formal process would commence in November and members need to consider whether active involvement during the shaping of options would compromise their participation in the scrutiny function. This may become clearer after the meeting on September 6th.

Councillor Arif informed the panel that he had found and read a publication on the NHS website that provide a good background and asked for the details to be circulated. The document is available on the Birmingham and Black Country Strategic Health Authority website at the following web address:
http://www.bbcha.nhs.uk/docs/publications/bc_review_final_report.pdf

9. DATE OF FUTURE MEETINGS

Next meeting is at 6.00pm on 31 August 2005 at the Council House.

The meeting terminated at 6.57pm