

HALTON BOROUGH COUNCIL



*Municipal Building,
Kingsway,
Widnes.
WA8 7QF*

5 July 2022

**TO: MEMBERS OF THE HALTON
BOROUGH COUNCIL**

You are hereby summoned to attend an Ordinary Meeting of the Halton Borough Council to be held in the Council Chamber - Town Hall, Runcorn on Wednesday, 13 July 2022 commencing at 6.30 p.m. for the purpose of considering and passing such resolution(s) as may be deemed necessary or desirable in respect of the matters mentioned in the Agenda.

A handwritten signature in black ink, appearing to read 'S. Young', is written over a light grey rectangular background.

Chief Executive

-AGENDA-

| Item No. | | Page No. |
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| 1. | COUNCIL MINUTES | SEE MINUTE BOOK |
| 2. | APOLOGIES FOR ABSENCE | |
| 3. | THE MAYOR'S ANNOUNCEMENTS | |
| 4. | DECLARATIONS OF INTEREST | |
| 5. | LEADER'S REPORT | |
| 6. | URGENT DECISIONS | 1 - 2 |
| 7. | MINUTES OF THE EXECUTIVE BOARD | SEE MINUTE BOOK |
| | a) 17 March 2022 | |
| | b) 14 April 2022 | |
| | c) 17 May 2022 | |
| | d) 16 June 2022 | |
| 8. | MINUTES OF THE HEALTH AND WELLBEING BOARD | SEE MINUTE BOOK |
| 9. | QUESTIONS ASKED UNDER STANDING ORDER 8 | |
| 10. | MATTERS REQUIRING A DECISION OF THE COUNCIL | |
| | a) Pay Policy Statement 2022 – 2023 | 3 - 10 |
| | Council is asked to consider the attached report. | |
| | RECOMMENDED: That Council adopts this Pay Policy Statement for the Financial Year 2022/23. | |
| | b) Strategic Director Enterprise, Community and Resources Delegations | 11 - 18 |
| | Council is asked to consider the attached report. | |
| | RECOMMENDED: That | |
| | 1. the allocations to the individuals identified in this report be approved; and | |
| | 2. these allocations be reviewed following any future restructuring undertaken by the Chief Executive | |

- c) Arrangements for Cheshire & Merseyside Integrated Care System Joint Scrutiny Committee

19 - 42

Council is asked to consider the attached report:

RECOMMENDED:

That Council approve

- 1) the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee;
- 2) the amended "Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside" be adopted; and
- 3) that Council nominates 2 Labour Councillors to sit on the new Committee for 2022/23.

11. MINUTES OF THE POLICY AND PERFORMANCE BOARDS AND THE AUDIT AND GOVERNANCE BOARD

SEE MINUTE BOOK

- a) Children, Young People and Families
- b) Employment, Learning, Skills and Community
- c) Health
- d) Environment and Urban Renewal
- e) Corporate Services
- f) Audit & Governance Board

12. COMMITTEE MINUTES

SEE MINUTE BOOK

- a) Development Management
- b) Taxi Licensing Sub Committee

13. NOTICE OF MOTION - SPRINKLERS SAVE LIVES AND PROPERTY FROM FIRE

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14. NOTICE OF MOTION - HILLSBOROUGH

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REPORT TO: Council

DATE: 13 July 2022

REPORTING OFFICER: Chief Executive

PORTFOLIO: Leader

SUBJECT: Urgent Decisions

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

1.1 To bring to the attention of Council urgent decisions taken since the last meeting of Council.

2.0 RECOMMENDATION:

2.1 That the report is noted.

3.0 SUPPORTING INFORMATION

3.1 The Council's Constitution gives authority to the Chief Executive to take urgent decisions which are required before the next formal meeting of Executive Board/Council.

These must be made in consultation with the Leader of the Council where practicable, and with the Operational Director – Finance and/or Operational Director – Legal and Democratic Services where necessary. They must also be reported for information to the next practically available meeting of the Board.

3.2 The absence of meetings of full Council during the COVID-19 crisis has meant that a number of urgent decisions have been necessary. More information on each can be found on the Council's website here:

<http://councillors.halton.gov.uk/mgDelegatedDecisions.aspx?bcr=1>

3.3 The urgent decisions taken since the last meeting of Council:

| Date Decision taken | Decision details |
|---------------------|--|
| 4 May 2022 | Household Support Fund Spending Plan – Council has been allocated £1.3m for period 1 April to 30 September 2022. There is a need to put arrangements in place as soon as possible now, to ensure the funding is fully utilised and delivered promptly. In particular, the procurement of free school meals vouchers in time for the Summer half term holidays. |

| | |
|-------------|---|
| 25 May 2022 | A56 Daresbury reconstruction (waiver of procurement standing orders). Collaboration with a developer who will be reconfiguring the Delph Lane/A56 junction and enable the simultaneous replacement of a section of defective sub-base on the A56. |
|-------------|---|

4.0 POLICY IMPLICATIONS

4.1 There are none other than the constitutional requirement to report urgent decisions for information.

5.0 OTHER IMPLICATIONS

5.1 None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

None.

6.2 Employment, Learning and Skills in Halton

None.

6.3 A Healthy Halton

None.

6.4 A Safer Halton

None.

6.5 Halton's Urban Renewal

None.

7.0 RISK ANALYSIS

7.1 The report is for information, and there are no risk issues arising from it.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 None.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 No background papers were used in the preparation of this report. Further information on the decisions taken is available from the link in Paragraph 3.2.

| | |
|---------------------------|--|
| REPORT TO: | Council |
| DATE: | 13 July 2022 |
| REPORTING OFFICER: | Operational Director, Policy, People, Performance & Efficiency |
| PORTFOLIO: | Resources |
| SUBJECT: | Pay Policy Statement 2022 – 2023 |
| WARD(S): | Borough-wide |

1.0 PURPOSE OF THE REPORT

- 1.1 The Localism Act 2011 requires every local authority to prepare a pay policy statement each year which details the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (Chief Officers) and its lowest paid employees.
- 1.2 This report details the Council's recommended Pay Policy Statement for 2022/23. The statement will be subject to annual review and approval by Full Council. In exceptional circumstances, the statement may be reviewed/amended in-year by the Full Council.
- 1.3 On approval the statement will be published on the Council's website following each annual review.

2.0 RECOMMENDATION: That:

Council adopts this Pay Policy Statement for the Financial Year 2022/23

3.0 SUPPORTING INFORMATION

- 3.1 The Council is committed to transparency and fairness in the pay and remuneration of all its employees. In determining the pay and remuneration of all of its employees, the Council will comply with all relevant legislation and has had regard to the Guidance issued by the Department for Communities and Local Government in February 2012.
- 3.2 The Localism Act requires the Council to produce a policy statement that covers a number of matters concerning the pay of the Councils staff; principally its Chief Officers and the Authority's lowest paid employees. This pay policy statement meets the requirements of the Localism Act 2011 and takes account of the guidance issued by the Secretary of State for Communities and Local Government "Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act".

- 3.3 The statement complies with the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency Worker Regulations 2010, The Agency Worker (Amendment) Regulations 2019 and where relevant, the Transfer of Undertakings (Protection of Employment) Regulations 2014.
- 3.4 With regard to the equal pay requirements contained within the Equality Act, the Council ensures that there is no pay discrimination in its pay and grading structures and that all pay differentials are objectively justified through the use of job evaluation mechanisms, which directly establish the relative levels of grades according to the requirements, demands and responsibilities of the job role.
- 3.5 With effect from April 2018, employers with more than 250 employees have been required to report on Gender Pay Gap to the Government Equalities Office. The calculation is prescribed statutorily and is based on a snapshot date of 31st March of the previous year. The most recent submission to government, filed in 2022, is as at 31st March 2021;
- Median pay gap: 3.9% lower for female employees.
The median gender pay gap for the whole UK economy is 15.5% (October 2021 ONS figures).
 - Mean pay gap: 10.1% lower for female employees.
The mean gender pay gap for the whole UK economy is 14.6% (October 2021 ONS figures).

Further detailed information is published on the Council website at:
<https://www4.halton.gov.uk/Pages/councildemocracy/Equality-and-Diversity.aspx>

- 3.6 This pay policy statement does not apply to schools maintained by the Council and there is not a requirement for it to do so.

4.0 THE PAY POLICY STATEMENT

- 4.1 Under Section 112 of the Local Government Act 1972, the Council has the power “to appoint officers on such reasonable terms and conditions as the authority sees fit.” The purpose of the Statement is to provide transparency with regard to the Council’s approach to setting the pay of its employees by identifying:
- The methods by which salaries of all employees are determined;
 - The detail and level of remuneration of its most senior staff, i.e., chief officers, as defined by relevant legislation;
 - The Committee responsible for ensuring the provisions set out in this Statement are applied consistently throughout the Council and recommending any amendments to the Full Council.

5.0 BACKGROUND – PAY STRUCTURE

- 5.1 The Council uses the National Joint Council (NJC) nationally negotiated pay spine (i.e. a defined list of salary points) as the basis for its local pay structure, based on the application of the job evaluation process to determine the salaries of the majority of its staff.
- 5.2 The Council adopts the national pay bargaining arrangements in respect of the national pay spine and any agreed annual pay increases negotiated nationally with the joint trade unions.
- 5.3 From 1st April 2019, a revised NJC pay spine was introduced which consolidated the twelve lowest points from the previous version into six. This was designed to promote equity within the pay and grading model. The Council adopted this model.
- 5.4 The Council has determined that it will pay the Living Wage, as calculated annually by the Living Wage Foundation. From 1 April 2022, the minimum hourly rate paid will be £9.90.
- 5.5 From 1st April annually, the minimum hourly rate paid will be the higher of the hourly rate of the bottom NJC pay point (SCP 1), or the hourly rate as calculated by the Living Wage Foundation and announced in the prior November. The NJC rate for SCP1 effective 1st April 2021 is £9.50. The rate effective 1st April 2022 has not yet been negotiated at the national level.
- 5.6 For staff on Joint Negotiating Committee (JNC) terms and conditions (Chief Officers), the Council operates a locally determined pay structure, in accordance with JNC guidance, and any agreed annual pay increases negotiated with the joint trade unions on a national level.
- 5.7 All other pay related allowances are the subject of either national or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined locally.
- 5.8 Starting salaries for new appointments will normally be made at the minimum spinal column point for the grade, although this can be varied where necessary to secure the best candidate for the job. From time to time it may be necessary to take account of the external pay market in order to attract and retain the best employees with particular experience, skills and abilities. Where necessary, the Council will ensure that the requirement for such payments is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the public sector and where such retention payments are necessary, they will be considered with the framework provided by the NJC, and be subject to local negotiation and ratification.
- 5.9 There is a formal job evaluation process for new positions created or for proposed changes to existing job descriptions and person specifications. For positions which are subject to the National Joint Council (NJC) for Local Government Services ('Green Book'), the grading review is undertaken with representation from the Human Resources Service, the Trade Unions and the relevant Manager, using the Local Government Single Status Job Evaluation Scheme (the NJC scheme) which is used to evaluate posts up to grade HBC11.
- 5.10 Apprentices within the Council are paid a minimum of 75% of the Council's grade HBC3. From April 2021, this equates to £7.64 per hour. The April 2022

rate remains subject to national negotiations, but will be updated when the 2022/23 pay points have been agreed. Apprentices aged 21 or over, who have completed the first year of an apprenticeship are paid the relevant National Minimum Wage, in line with prevailing legislation.

5.11 The following employee groups are not presently paid in accordance with an evaluated grade/role determined by the Council and instead nationally or locally determined rates apply:

- Employees whose pay and conditions are determined by the Soulbury Committee
- Employees within the Council whose pay is determined by the annual review of the School Teachers Pay and Conditions document (STPCD)
- Employees who have transferred from the NHS to the Council on NHS terms and conditions
- Employees who have retained terms and conditions following a TUPE transfer to the Council

5.12 Any temporary supplement to the salary scale for any grade is approved in accordance with the NJC 'Green Book' criteria on such matters and can only be approved by the Chief Executive in consultation with the Operational Director – Policy, People, Performance & Efficiency (PPPE).

6.0 SENIOR MANAGEMENT REMUNERATION

6.1 For the purposes of this Statement, senior management means 'chief officers' as defined within the Localism Act. The posts falling within the statutory definition are set out below:

- Chief Executive
- Strategic Directors
- Operational Directors
- Director of Public Health

6.2 The basis of salary levels for Chief Officers was established following a review exercise in April 2005 carried out by Tribal Resources, using the Hay system to evaluate grades and salary points.

6.3 The salary details of the Council's Chief Officers can be found on the Council website and are published as part of the Council's Annual Statement of Accounts.

6.4 The arrangements and factors considered in determining progression through the relevant grade is incremental progression awarded on an annual basis until the top of the grade is reached.

6.5 The terms and conditions applicable to officers on director grade and above are determined by the JNC for Chief Executives, the JNC for Chief Officers of Local Authorities or NHS Employers, as amended, supplemented or superseded by the Council from time to time.

6.6 In November 2021, the Council's Appointments Committee reviewed the Chief Executive salary framework within the context of Chief Executive salaries

across the Local Government sector. A revised salary framework containing 5 incremental pay points was approved and takes effect on 1st April 2022.

7.0 RECRUITMENT OF CHIEF OFFICERS

- 7.1 The Council's policy and procedures with regard to the recruitment of Chief Officers is as contained in the Council's Constitution which is reviewed annually by Full Council.
- 7.2 When recruiting to all posts the Council will take full and proper account of all provisions of relevant employment law, its recruitment guidance and equality policies.
- 7.3 The remuneration of any newly appointed chief officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

8.0 ADDITIONS TO SALARY OF CHIEF OFFICERS

- 8.1 Incremental progression through the grade is time related i.e. employees are entitled to receive an increment (the next salary point on the pay spine, unless at top of grade) on an annual basis. This cannot be withheld or varied from the agreed pay spine under the employment contract, unless formal proceedings on capability have been implemented.
- 8.2 To meet specific operational requirements it may be necessary for an individual to temporarily take on additional duties to their identified role. The Council's arrangements for authorising any additional remuneration (e.g. honoraria, acting up) are dependant upon the provision and approval of a business case to the Chief Executive and relevant Strategic Director in consultation with the Operational Director PPPE.
- 8.3 Officers required to regularly use a vehicle for Council business are currently entitled to an essential car user allowance, currently £1,000pa (from April 2013). The Chief Executive, Strategic Directors and Operational Directors are also entitled to this payment.
- 8.4 The Chief Executive also receives reimbursement for the duties undertaken as a Returning Officer. This is separate to the salary. The right to receive reimbursement is covered by the JNC for Chief Executives Terms and Conditions of Service.
- 8.5 Additions to pay are negotiated for all employees, including those covered by the NJC ('Green Book') and JNC terms and conditions.

9.0 PENSION CONTRIBUTIONS

- 9.1 Where employees have exercised their right to become members of the Local Government Pension Scheme, the Council is required to make a contribution to the Scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee. The rate of contribution is set by Actuaries advising the Pension Fund and reviewed on a triennial basis

in order to ensure the Scheme is appropriately funded. The current employer's rate, set at April 2020, is 19.8%.

- 9.2 The employee contribution rates, which are defined by statute, are currently based on the annual full time equivalent rate of pay at the following rates:

| Rate of Contribution | Annual Rate of Pay (2022/23 contribution bands) |
|----------------------|---|
| 5.5% | Up to £15,000 |
| 5.8% | £15,001 - £23,600 |
| 6.5% | £23,601 - £38,300 |
| 6.8% | £38,301 - £48,500 |
| 8.5% | £48,501 - £67,900 |
| 9.9% | £67,901 - £96,200 |
| 10.5% | £96,201 - £113,400 |
| 11.4% | £113,401 - £170,100 |
| 12.5% | More than £170,101 |

10.0 PAYMENTS ON TERMINATION

- 10.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, prior to reaching normal retirement age is set out within its Pensions Discretions Statement and in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 (and if adopted) Regulation 12 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007.
- 10.2 The Council's Policy on Voluntary Redundancy is contained in its Staffing Protocol which was approved by the Appointments Committee on 21st September 2009 with revised terms to reflect the changes to the Local Government Pension Scheme in April 2014 being agreed by the Committee on 4th February 2015. These arrangements apply to all employees at all levels

11.0 PUBLICATION

- 11.1 Upon approval by full Council, this Statement will be published on the Council's website.
- 11.2 For posts where the full time remuneration is £50,000 or above, the Council's Annual Statement of Accounts will include a note setting out the total amount of:
- Salary, fees or allowances paid to or receivable by the person in the current and previous years;
 - Any bonuses so paid by way of expenses allowance that are chargeable to UK Income Tax;
 - Any compensation for loss of employment and any other payments connected with termination;
 - Any benefits received that do not fall within the above.

12.0 LOWEST PAID EMPLOYEES

- 12.1 Employees not on Chief Officer, Soulbury, NHS, or STPCD terms and conditions are paid in accordance with the National Joint Council (NJC) for Local Government Services ('Green Book'). The basic pay for each 'Green Book' employee consists of a salary scale containing a number of spinal column points on the NJC pay spine.
- 12.2 An increment is awarded on an annual basis up to the maximum of the salary grade. The normal increment date is 1st April. Pay awards are generally awarded with effect from 1st April, although the date can be influenced by the negotiation process.
- 12.3 From April 1st 2022, the lowest rate of pay for established employees will be £9.90 per hour.
- 12.4 The relationship between the rate of pay for the highest paid employee and the mean average earnings across the Council is recommended as the best way of illustrating the relationship between the two. This is called the pay multiple and for this Authority, the pay multiple is 1:5.8.
- 12.5 The Hutton Review (2011) stipulated that a pay multiple between the highest and the lowest paid median average salary should not exceed 1:20. On this basis, the Council has a pay multiple of 1:7.05, well within the recommended range.
- 12.6 From April 2019, the Council committed to pay the Living Wage, as calculated by the Living Wage Foundation. In doing so, it will meet all statutory requirements in respect of paying the National Minimum Wage and the National Living Wage, by default.

13.0 ACCOUNTABILITY AND DECISION MAKING

- 13.1 In accordance with the Constitution of the Council, the Appointments Committee is responsible for decision making in relation to the recruitment, pay, terms and conditions and severance arrangements relating to employees of the Council.

14.0 POLICY IMPLICATIONS

- 14.1 The requirements under the Localism Act to produce and publish this Pay Policy Statement supplements existing duties and responsibilities that the Authority, as an employer has, particularly its responsibilities under the Equality Act 2010, to avoid discrimination and provide equal pay.

15.0 FINANCIAL IMPLICATIONS

- 15.1 The Pay Policy Statement must be prepared for the financial year 2022/23 and each subsequent financial year. Once in place, it will provide the public with a clear rationale to explain the Authority's approach to pay.
- 15.2 The Council employs 2391 people in 2460 positions and is responsible for spending annually over £300 million of public money.

16.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 16.1 Employees are a key element of the delivery of services that contribute to all of the Council's priorities. As such, appropriate and relevant payment to employees enables the delivery of those priorities.

17.0 RISK ANALYSIS

- 17.1 The adoption of this Pay Policy Statement, and use of the frameworks and mechanisms described within, provides assurance that the Council is mitigating any legislative and ethical risk linked to the remuneration of its employees.

18.0 EQUALITY AND DIVERSITY ISSUES

- 18.1 The Pay Policy Statement will assist the Council to monitor remuneration across the Council and provide a fair system which avoids discrimination.

19.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

- 19.1 There are no background papers under the meaning of the Act.

REPORT TO: Council

DATE: 13 July 2022

REPORTING OFFICER: Operational Director – Legal & Democratic Services

SUBJECT: Strategic Director Enterprise, Community and Resources Delegations

WARDS: Borough-wide

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to ensure the key responsibilities of the post of Strategic Director – Enterprise Community & Resources (SD ECR) are picked up following the recent retirement of the previous incumbent.

2.0 RECOMMENDATION:

It is recommended that:

- (1) the allocations to the individuals identified in this report be approved; and**
- (2) these allocations be reviewed following any future restructuring undertaken by the Chief Executive**

3.0 BACKGROUND

3.1 The previous postholder of SD ECR retired from the Council on 31 May 2022. The Chief Executive has decided that he wishes to review the Council's senior management structure and therefore no immediate replacement will be appointed to this position.

3.2 There are clearly roles and responsibilities attached to this post that need to be covered in an interim period and this report identifies these roles and responsibilities and suggests where/who they should be undertaken by during an interim period. The previous SD ECR made appropriate sub-delegations as required by the Constitution whilst still in post, thereby providing for continuity. This report is brought to Council to draw attention to those matters and to seek appropriate approval. It is divided into:

- (i) Formal statutory roles
- (ii) Powers delegated to the SD ECR role

(iii) Other matters

(i) Formal Statutory Roles

a) Statutory Scrutiny Officer (Section 31) and Support/advice to the Council's Scrutiny Coordinator.

Suggested Lead:

Principal Committee Services Officer.

The Operational Director – Legal and Democratic Services cannot be by law be the Section 31 Officer but he will provide the support required by the Scrutiny Co-ordinator

b) Senior Information Risk Owner (SIRO).

Suggested Lead:

Operational Director – IT and Administrative Services.

c) Operator's Licence (Traffic Commissioner).

Operational Director – Environment Services.

Operational Director – Policy, Planning and Transportation.

(ii) Powers Delegated to the SD ECR Post

Attached as Appendix A to this report is a list of delegations to the SD ECR post, as outlined in the Council's Constitution, most of which do not require further delegation and are already effectively dealt with by the relevant Operational Director

The most significant delegation is No 14 on Appendix A, which relates to the delivery of the Mersey Gateway Project and is exercised in consultation with the Environment and Urban Renewal Portfolio Holder. There are two regular activities that will need to continue:

- The authorisation of payments to Emovis and Merseylink. Some of these payments can be over £1m and therefore exceed the current authorisation level in the Constitution for Operational Directors.

Suggested Lead:

Operational Director – Financial Services.

- The authorisation of the administrative changes to the business rules that govern the charging regime on the Mersey Gateway.

These are exercised in consultation with the Environment and Urban Renewal Portfolio Holder, and done via recommendations from the Company Secretary to the Mersey Gateway Crossings Board.

Suggested Lead:

Operational Director – Legal and Democratic Services.

It is suggested that any further matter falling within Paragraph 14 which may arise are dealt with by the Operational Director – Financial Services and Operational Director Legal & Democratic Services in consultation with the Environment and Urban Renewal Portfolio Holder.

- The authorisation of projects to be funded by the “INEOS” Environmental Fund, in consultation with the three member panel.

Suggested Lead

Operational Director – Planning, Policy and Transportation
Current delegation arrangements already allow for this.

It is suggested that the other delegations on the list be dealt with on a ‘needs must’ basis, as they are generally already implemented by the relevant Operational Director or rarely exercised.

- Amendments to the Establishment and other HR Authorisations.

Suggested Lead:

Operational Director – Policy, People, Performance & Efficiency.

(iii) Other matters

As indicated above, it should be noted that the previous SD ECR had already made effective sub-delegations of the functions contained in this report whilst still in post in compliance with paragraph 3 of Delegations to Officers within Appendix 4 of the Constitution, allowing them to be carried out following his retirement.

There are a number of other functions previously carried out by SD ECR including chairing of internal meetings etc which are now being carried out by the relevant Operational Directors under the sub-delegation and need not form part of this report.

4.0 POLICY IMPLICATIONS

4.1 It is important that delegations are up to date and kept under review.

5.0 FINANCIAL IMPLICATIONS

5.1 None arising from this report

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 All of the Council's priorities are served by having up to date delegations.

7.0 RISK ANALYSIS

7.1 There are no specific risks arising from this report.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 There are no direct implications arising from this report.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 There are no background papers within the meaning of the Act.

APPENDIX A**STANDING ORDERS
RELATING TO DUTIES OF PROPER OFFICERS
AND DELEGATION TO OFFICERS****Provisions of the Local Government Act 1972**

| | | |
|----------------------|---|--------|
| Schedule 29 para. 41 | Exercise of functions under Section 9 (1) and (2), 13 (2) (h) and 3 (b) and 20 (b) of the Registration Services Act 1953. | SD-ECR |
|----------------------|---|--------|

Local Democracy, Economic Development and Construction Act 2009

| | | |
|------------|----------------------------|--------|
| Section 31 | Statutory Scrutiny Officer | SD-ECR |
|------------|----------------------------|--------|

**Housing Benefit and Council Tax Benefit Regulations 2001
Discretionary Support Scheme, Discretionary Housing Payment and
Discretionary Reduction in Liability**

| | | |
|----------------------|---|-------------------|
| SI no 2002 (amended) | To carry out a review of initial decision | SD-ECR or nominee |
|----------------------|---|-------------------|

Local Government Finance Act 1988

| | | |
|------------|--|-------------------------------|
| Section 47 | Discretionary Rate Relief – Charitable Occupation and amended scheme | SD-ECR rec to Executive Board |
| Section 49 | Discretionary Rate Relief – Hardship Relief | SD-ECR rec to Executive Board |

Local Government Finance Act 1992

| | | |
|-------------|--|-------------------|
| Section 13A | Discretionary Reduction in Liability | SD-ECR or nominee |
| Section 1A | Council Tax Reduction Schemes(Prescribed SD-ECR (or Requirements) (England) Regulations 2012 | SD-ECR or nominee |

Anti-Social Behaviour, Crime and Policing Act 2014

| | | |
|------------------|--|--------|
| Part 4 Chapter 3 | Closure of premises associated with nuisance or disorder | SD-ECR |
|------------------|--|--------|

Matters relating to Council Policy

- | | |
|--|--|
| 12. To implement the Council's Procurement Strategy. | SD-ECR |
| 13. To implement the Council's Accommodation Strategy. | SD-ECR in consultation with the Executive Board Member for Resources |
| 14. To take steps to implement the Mersey Gateway Project | SD-ECR in consultation with the Executive Board Member for Transportation |
| 15. To implement the Council's Equal Opportunities Policy. | All SD's |
| 16. To implement the Council's Strategic Risk Management Strategy. | All SD's |
| 18. To take such decisions as may be necessary under Part 1 Chapter 2 of the Localism Act 2011 (Community Right to Challenge) | SD-ECR |
| 24. To approve and amend the Publication Scheme under section 19 Freedom of Information Act 2000. | SD-ECR |
| 27. To appropriate Council land from one local authority purpose to another under section 122 Local Government Act 1972. | SD-ECR |
| 28. Regulation Of Investigatory Powers Act 2000 (RIPA) and Investigatory Powers Act 2016 | Chief Exc or in his absence SD-ECR, SD-P (subject to the Independence requirements of the ICCO circular of 1 June 15 |
| 28a RIPA Designated Persons involving employment of juveniles or vulnerable CHIS or the acquisition of confidential information. | |

Matters relating to Economic Development and Regeneration

- | | |
|---|---------------------------------------|
| 29. To implement the Council's Regeneration Strategy. | SD-ECR |
| 30. To implement the Council's involvement in its various Joint Venture Companies. | SD-ECR in consultation with the OD-LD |
| 31. To take all necessary administrative and executive steps to implement the Council's strategies in relation to the economic and social development of the Borough. | All SD's |
| 32. To approve payments made pursuant to aid programmes and to issue grants funded by any governmental agency whether regional or national. | All SD's |

Matters relating to Finance

- | | |
|--|--------|
| 49. To implement annual wage/salary increases in accordance with National Conditions | SD-ECR |
|--|--------|

Matters relating to Personnel

- | | |
|--|--------|
| 62. To grant concessionary leave on compassionate grounds up to seven days a year, in respect of any employee. | SD-ECR |
|--|--------|

Matters relating to Culture and Leisure Services

- | | |
|---|--------|
| 86. To manage and regulate the use of public libraries. | SD-ECR |
|---|--------|

Matters relating to Licensing, Environmental Health and Trading Standards

- | | |
|--|------------------------------------|
| 147. To exercise the functions of the Council under Part 1 (Injunctions) of the Anti-Social Behaviour Crime and Policing Act 2014. | SD-ECR |
| 171. To exercise all powers and functions conferred, imposed on, or transferred to the Council under the Pollution Prevention and Control Act 1999, and any regulations made under the Act, to respond to statutory consultations from the Environment Agency on Integrated Pollution Prevention and Control Permits, and to appoint authorised officers under Section 108 of the Environment Act 1995 to enter premises and exercise the powers for the purposes of Regulations made under the Pollution Prevention and Control Act 1999. | SD –ECR/OD – PPT/ OD-LD/D of PH |
| 178. To recommend any future changes to Fixed Penalty Notice amounts and early payment discounts as may be required and implement decisions made. | SD-ECR and D of PH |
| 189. To exercise the powers and duties of the Council in relation to the burial and cremation of the dead. | SD-ECR |

REPORT TO: Council

DATE: 13 July 2022

REPORTING OFFICER: Operational Director – Legal & Democratic Services

PORTFOLIO: Health & Wellbeing / Adult Social Care

SUBJECT: Arrangements for Cheshire & Merseyside Integrated Care System Joint Scrutiny Committee

WARDS: Borough-wide

1.0 PURPOSE OF REPORT

- 1.1 To seek Council approval for the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee and to consider for adoption the amended “Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside”.
- 1.2 In response to the proposed establishment of Integrated Care Systems in England under the Health and Care Act 2022, actions are required to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet the challenge of the new statutory Integrated Care System (ICS) arrangements
- 1.3 The “Protocol for Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside” was approved by the Council in 2014. The amended version now requires Council approval.

2.0 RECOMMENDATION:

That Council approve

- 1) the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee;**
- 2) the amended “Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside” be adopted; and**
- 3) that Council nominates 2 Labour Councillors to sit on the new Committee for 2022/23**

3.0 BACKGROUND

- 3.1 In response to the proposed establishment of Integrated Care Systems in England under the Health and Care Act 2022, the Chief Executives of the nine Merseyside and Cheshire local authorities agreed a number of actions to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet the challenge of the new statutory Integrated Care System (ICS) arrangements. It has been deemed appropriate to establish a standing joint health scrutiny committee which will have the opportunity to take on the Authorities' collective statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside Level.
- 3.2 Originally, it was anticipated that actions would need to be taken prior to April 2022 to meet the government's anticipated timescale for transition to Integrated Care Systems. However, it has been confirmed that the transition to ICS arrangements will now take place on 1 July 2022.
- 3.3 A Joint Health Scrutiny Working Group, comprised of Health Scrutiny Officers was established in January 2022 and has met on a fortnightly basis to agree the arrangements for the establishment of the Joint Health Scrutiny Committee. The Working Group has drafted a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee – Joint Committee Arrangements Document (attached as Appendix A) to outline how the standing joint committee will operate. The main features of the document are as follows:
- Funding – consensus was that a flat rate of £10,000 should be paid by each authority for an initial period of 18 months.
 - Membership – each authority should nominate 2 representatives to serve on Committee.
 - Political balance – recognition of the need to ensure that membership had to reflect the aggregate political balance across the nine authorities. This would be subject to annual calculation and would require compromise between the authorities to secure balance on each occasion. For 2022/23, Halton would be asked to appoint 2 Labour Councillors
 - Joint Committee remit – this would cover the ICS responsibilities exercised at Cheshire and Merseyside level, plus any proposals for changes in health services that not only impact all nine local authority areas but was also considered to be a substantial change by each of the nine.

4.0 LEGAL IMPLICATIONS

- 4.1 The functions of the Joint Committee, to be known as the "Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee" are to be exercised with a view to supporting the effective planning, provision, and operation of health services at Cheshire and Merseyside level. This will include promoting transparency in how the ICS fulfils its

responsibilities within Cheshire and Merseyside. The overarching role of the Joint Committee is to scrutinise the work of the ICS in the discharge of its statutory responsibilities and functions at Cheshire and Merseyside level in order to support their effective exercise and, where appropriate, to make reports or recommendations to the ICS.

- 4.2 Post-July 2022 and the establishment of the ICS, local authorities will still have a statutory obligation to undertake health scrutiny at a “place” level. Individual local authority Health Scrutiny Committees will need to continue to meet to consider matters directly relating to their areas and also to consider any potential substantial variations in health service provision that only impact on their respective local authority area. Each local authority will be responsible for determining these work plans and managing their relationships with NHS colleagues to ensure Health Scrutiny at this level (i.e. place) meets its obligations and provides the necessary political oversight, transparency and challenge.

5.0 PROTOCOL FOR THE ESTABLISHMENT OF JOINT HEALTH SCRUTINY ARRANGEMENTS IN CHESHIRE AND MERSEYSIDE

- 5.1 In 2014, all nine Cheshire and Merseyside Authorities gave their approval to a “Protocol for Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside”. Substantively, the existing protocol provides a framework for the mandatory establishment of ad-hoc joint committees where two or more of the authorities deem a service change proposal to be a substantial variation in those services. The protocol was approved in 2014.
- 5.2 In summary, the statutory framework set out in legislation authorises local authorities to review and scrutinise any matter relating to the planning, provision and operation of the health service; and consider consultations by a relevant NHS body or provider of NHS-funded services on any proposal for a Substantial Development or Variation (SDV) to the health service in the local authority’s area.
- 5.3 Where such proposals impact on more than one local authority area, each authority’s health scrutiny arrangements must consider whether the proposals constitute a substantial development or variation or not. The regulations place a requirement on those local authorities that agree that a proposal is an SDV to establish, in each instance, a joint overview and scrutiny committee for the purposes of considering it. The existing protocol deals with the operation of such arrangements for the local authorities of Cheshire and Merseyside. The criteria set out within the protocol assists in ensuring that there is a consistent approach applied by each authority in making their respective decisions on whether a proposal is “substantial” or not.
- 5.4 Given the incoming changes and the establishment of Integrated Care Systems in England under the Health and Care Act 2022, the opportunity has been taken to review and update the existing Joint Health Scrutiny

Protocol (agreed in 2014) to ensure that the framework for the operation of joint health scrutiny committees regarding substantial developments and variations of the health service across Cheshire and Merseyside was consistent with the arrangements for the new standing committee. The proposed revisions relate to quorum and political balance and is attached at Appendix B.

6.0 POLICY IMPLICATIONS

6.1 The proposals are consistent with legislation and local policy.

7.0 FINANCIAL IMPLICATIONS

7.1 Temporary funding (£90k across all nine Local Authorities affected) to support the Joint Health Scrutiny Committee for an initial period of 18 months will be required. Each authority will be requested to contribute a total of £10,000 over the initial 18 months. This will be met from existing service budgetary provision.

Discretion is permitted at individual local authority level for remuneration to be paid to Joint Health Scrutiny Committee representatives.

8.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

8.1 The contents and proposals within this report are in line with the Council priorities of the promotion of good health, independence, and care across our communities.

The establishment of a standing Joint Health Scrutiny Committee will hold to account the Cheshire and Merseyside Integrated Care System in relation to the exercise of their responsibilities at local level.

9.0 RISK ANALYSIS

9.1 There are no specific risks.

10.0 EQUALITY AND DIVERSITY ISSUES

10.1 There are no direct implications from this report.

11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

11.1 There are no background papers within the meaning of the Act.

**CHESHIRE AND MERSEYSIDE INTEGRATED CARE SYSTEM JOINT HEALTH
SCRUTINY COMMITTEE**

JOINT COMMITTEE ARRANGEMENTS DOCUMENT

Interpretation

In this document the following expressions shall have the following meanings:

- the following local authorities are referred to singularly as ‘Authority’ and together as ‘the Authorities’
 - a) Cheshire East Council;
 - b) Cheshire West and Chester Council
 - c) Halton Borough Council
 - d) Knowsley Borough Council;
 - e) Liverpool City Council;
 - f) St. Helens Borough Council;
 - g) Sefton Borough Council;
 - h) Warrington Borough Council;
 - i) Wirral Borough Council;
- the “Cheshire and Merseyside (ICS) Joint Health Scrutiny Committee” means the Joint Health Scrutiny Committee established by the Authorities to hold to account and scrutinise the work of the Integrated Care System at Cheshire and Merseyside level;
- the “Secretariat” means the financial, administrative, scrutiny and other officer support to the Joint Committee;
- the “Host Authority” means the council which hosts the Secretariat at the relevant time;
- the “Joint Committee Arrangements Document” means this document, as amended from time-to-time;
- the “Rules of Procedure” means the rules of procedure as agreed by the Joint Committee from time to time;
- “the Act” means the National Health Service Act 2006
- the “2013 Regulations” means the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

The conduct of the Joint Committee and the content of this document shall be subject to the relevant legislative provisions, in particular Sections 244 and 245 of the Act (as amended) as well as the 2013 regulations, and in the event of any conflict between

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the relevant legislative provisions/ regulations and this Joint Committee Arrangements Document, the requirements of the legislation/ regulations will prevail.

1. Background

1.1 The Health and Care Act 2022 confirms new structural arrangements for health governance through the formal establishment of Integrated Care Systems (ICSs) for specific geographical areas. ICSs will comprise:

1.1.1 an Integrated Care Board (ICB) in which will be vested statutory responsibilities and duties related to arranging for the provision of relevant hospital and health services for its area; and

1.1.2 an Integrated Care Partnership (ICP) which is a joint committee established by the ICB and the Authorities within the ICS area. The ICP is primarily charged with setting the strategic framework (an Integrated Care Strategy) for its area within which the ICB, NHS England and the Authorities, will be expected to exercise their respective functions to meet the area's assessed needs.

1.2 In Cheshire and Merseyside:

1.2.1 The ICS is known collectively as NHS Cheshire and Merseyside ICS.

1.2.2 The ICB is known as NHS Cheshire and Merseyside ICB

1.2.3 The ICP is known as the Cheshire and Merseyside Health and Care Partnership.

1.3 Under Section 245 of the Act and Regulation 30 of the 2013 Regulations, two or more Authorities may form a joint health scrutiny committee and arrange for relevant health scrutiny functions to be exercised by that joint committee.

1.4 In 2014, all nine Cheshire and Merseyside Authorities gave their approval to a "Protocol for Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside". This protocol was developed in accordance with the Act and the 2013 Regulations. Substantively it provides a framework for the mandatory establishment of ad hoc joint committees where 2 or more of the authorities deem a service change proposal to be a substantial variation in those services. Nevertheless, the protocol, in accordance with legislation, provides for the establishment of discretionary joint health scrutiny arrangements, where deemed appropriate, with the scope to review and scrutinise any matter relating to the planning, provision and operation of the health service.

1.5 In the context of the establishment of the statutory ICS arrangements for Cheshire and Merseyside, it has been deemed appropriate to establish a standing joint health scrutiny committee which will have the opportunity to take

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on the Authorities' collective statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside Level:

- 1.6 The Authorities by being parties to this Joint Committee Arrangements Document signify their agreement to its terms. Each Authority and each Member of the Joint Committee established under the terms of this document must therefore comply with its provisions.
- 1.7 The Joint Committee must have regard to the relevant legislation, including the Local Government Act 1972, regulations related to health scrutiny and to any statutory guidance issued in this respect.

2. Functions of the Joint Committee

- 2.1 The functions of the Joint Committee — to be known as the “Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee”— are to be exercised with a view to supporting the effective planning, provision, and operation of health services at Cheshire and Merseyside level. This will include promoting transparency in how the ICS fulfils its responsibilities within Cheshire and Merseyside.
- 2.2 The overarching role of the Joint Committee is to scrutinise the work of the ICS in the discharge of its statutory responsibilities and functions at Cheshire and Merseyside level in order to support their effective exercise and, where appropriate to make reports or recommendations to the ICS.
- 2.3 In specific terms the Joint Committee's role will include the duties/ functions set out below:
 - To be consulted and provide feedback on the development of an integrated care strategy for Cheshire and Merseyside;
 - To review and scrutinise any matter relating to the planning, provision and operation of the health service at Cheshire and Merseyside level only;
 - To be consulted by a relevant NHS body (e.g. NHS Cheshire and Merseyside Integrated Care Board) on any service change proposals that has previously been deemed by all nine authorities to constitute a substantial variation in services.
 - To consider the merits of any service change proposals that have been deemed to be a substantial variation in services by all nine authorities and to exercise the collective statutory responsibilities of the authorities in relation to responding to such consultation by the proposer.

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3. **Operating Arrangements**

- 3.1 Knowsley Borough Council shall act as the Host Authority and arrange for the necessary officer support in doing so. In this respect Knowsley Borough Council will be provide the Secretariat.
- 3.2 The Joint Committee initially shall be made up of 18 elected members in accordance with the provisions of the current Joint Health Scrutiny Protocol.

4. **Council Membership**

- 4.1 All elected members in the authorities will be entitled to serve on the joint committee other than executive members and those elected members appointed to serve on ICS bodies (e.g. on the Cheshire and Merseyside Health and Care Partnership)
- 4.2 Each of the authorities nominating representatives to serve on the Joint Committee will be expected to do so in accordance with the political balance that applies in their respective authorities, adjusted to take account of the overall political balance across the nine authorities.
- 4.3 The allocation of seats by both area and party for 2022/ 2023 based on two members per authority is therefore as follows in order to secure overall political balance within Cheshire and Merseyside:

| Authority | Labour | Liberal Democrat | Conservative | Green | Ind | Total |
|---------------------------|---------------|-------------------------|---------------------|--------------|------------|--------------|
| Cheshire East | | | | | | 2 |
| Cheshire West and Chester | | | | | | 2 |
| Halton | | | | | | 2 |
| Knowsley | | | | | | 2 |
| Liverpool | | | | | | 2 |
| St. Helens | | | | | | 2 |
| Sefton | | | | | | 2 |
| Warrington | | | | | | 2 |
| Wirral | | | | | | 2 |
| Total | | | | | | 18 |

Allocation of seats to be confirmed following further consultation between the 9 authorities.

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- 4.4 The allocation of elected member places on the Joint Committee will be reviewed on an annual basis, ordinarily in the period following the date of the municipal elections. In years where municipal elections do not take place, the review will need to have taken place by 15 May in that year.
- 4.5 Taking into account the outcome of such a review, Elected Members will be appointed by their respective Authorities in accordance with the constitutional procedures applicable in those Authorities. In any event, each Authority will ordinarily be expected to appoint their representatives no later than 31 May in each year.
- 4.6 The term of office of each Authority representative appointed shall be a period of 1 year or until 31 May of the following year, whichever is the earlier. This term of office is however subject to the appointed Member remaining as an Elected Member during the term of office. In the event of a Joint Committee Member ceasing to be an elected member during the course of their term of office as a Joint Committee Member, their entitlement to serve on the Joint Committee will also cease at that point.
- 4.7 Each appointment may be renewable on an annual basis, subject to the decision of the respective Authority and the continuing entitlement of the appointee to serve on the Joint Committee.

5. Elected Members – Resignation or Removal from the Joint Committee

- 5.1 An Authority may decide, in accordance with its procedures, to remove one of its Members from the Joint Committee at any time prior to conclusion of that Member's term of office, and upon doing so shall give written notice to the Secretariat of the change in its Member.
- 5.2 An Elected Member representative may resign from the Joint Committee at any time by giving notice to his or her appointing council who will inform the Secretariat.
- 5.3 In the event that any Elected Member resigns from the Joint Committee, or is removed from the Joint Committee by his or her Authority, the Authority shall immediately take the appropriate constitutional steps to nominate and appoint an alternative Member to the Joint Committee, in accordance with the agreed Joint Committee arrangements.
- 5.4 Where an Elected Member fails to attend meetings of the Joint Committee over a six-month period or for 3 consecutive meetings then the Secretariat shall recommend to the relevant Authority that due consideration is given to removing the member from the appointment to the Joint Committee and the appointment of a replacement member from that Authority.

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- 5.5 Where it becomes clear that an Elected Member has ceased to represent the political group for which they were nominated by their respective Authority, either through withdrawal of the whip, suspension, or expulsion from the relevant group, that Member shall be immediately removed from the Joint Committee's Membership. In these circumstances, the relevant Nominating Authority will be obliged to take the appropriate steps, including liaison with the relevant political group, to nominate, at the earliest opportunity an alternative Member to the Joint Committee, in accordance with the allocation of seats at paragraph 4.3 above, so as to ensure the Joint Committee appropriate political balance is maintained.

6. Financial Arrangements

- 6.1 The funding provided by the authorities collectively to support the work of the Joint Committee will be received by the Host Authority.
- 6.2 Each Authority will pay directly any expenses claimed by its own nominated representatives in the course of their duties on the Joint Committee.
- 6.3 The Host Authority will establish an independent remuneration panel to consider whether a Special Responsibility Allowance (SRA) should be paid to the Chairperson of the Joint Committee or any other Joint Committee Member, and if so, what the level of that SRA should be. If the Authorities subsequently decide, based on the recommendations of the independent remuneration panel that an SRA will be paid, the Authorities will be required to reach agreement on how the costs of the SRA will be apportioned between them.
- 6.4 The financial arrangements for the Joint Committee will be reviewed each year by the Authorities. If in subsequent years, the Joint Committee considers that the funding available to support its activities is insufficient to support it in carrying out its functions, it may make a request to the Authorities to approve additional funding. If additional funding is approved, the Authorities will decide how, the additional costs will be apportioned between them.

7. Promotion and Support of the Joint Committee

- 7.1 The Joint Committee shall be promoted and supported by the Host Authority and the Secretariat through:
- (a) The inclusion of dedicated webpages on the work of the Joint Committee, with the publication of meeting agendas; minutes; and papers where those papers are public, in line with the rules of procedure and legal obligations under the Local Government Act 1972. All reports and recommendations made, with responses from the ICS will be published. Information on member attendance and other publications will be included, as required on the webpages;

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- (b) Other relevant administrative, financial, legal, communications and scrutiny officer support as appropriate.
- 7.2 The costs of any additional promotion work identified above will be identified as part of financial arrangements to be agreed by the Authorities as set out in section 6 above.
- 7.3 The Joint Committee shall be promoted and supported by each Authority including:
- (a) Ensuring that briefings take place on the work of the Joint Committee for members and officers at Authority level to ensure they are fully informed about relevant matters.
 - (b) Information on each respective website about the work of the Joint Committee and links to the main webpages.
 - (c) Sharing of information on the work of their respective designated statutory Health Scrutiny Committee in order to ensure that the work programme of the Joint Committee complements local scrutiny work and vice-versa.
 - (d) Co-operating to ensure that the Joint Committee, where appropriate, is provided with additional officer support for research, training and development or other areas of expertise.
- 7.4 The elected members on the Joint Committee will provide a communication channel between the Joint Committee and their respective appointing Authorities. They will report back to their Authority on the work of the Joint Committee as appropriate and provide support and guidance to their member colleagues and officers of their Authority.

8. Validity of Proceedings

- 8.1 The validity of the proceedings of the Joint Committee shall not be affected by a vacancy in the membership of the Joint Committee or a defect in appointment.
- 8.2 All Joint Committee members (including co-opted members) must observe their own authority's Members Code of Conduct and any related Protocols as agreed by the Joint Committee.

9. Review and Amendment of Joint Committee Arrangements

- 9.1 This Joint Committee Arrangements Document will normally be reviewed on an annual basis by all Authorities jointly.

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- 9.2 Proposed changes to the Joint Committee Arrangements Document can only be made with the collective approval of all the Authorities in the ICS area.
- 9.3 The Joint Committee may propose amendments to the Joint Committee Arrangements document and any such proposals will be referred to the Authorities and will only be implemented if they are approved by all the Authorities.

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PROTOCOL FOR THE ESTABLISHMENT OF JOINT HEALTH SCRUTINY ARRANGEMENTS IN CHESHIRE AND MERSEYSIDE

1. INTRODUCTION

- 1.1 This protocol has been developed as a framework for the operation of joint health scrutiny arrangements across the local authorities of Cheshire and Merseyside. It allows for:
- scrutiny of substantial developments and variations of the health service; and,
 - discretionary scrutiny of local health services.
- 1.2 The protocol provides a framework for health scrutiny arrangements which operate on a joint basis only. Each constituent local authority should have its own local arrangements in place for carrying out health scrutiny activity individually.

2. BACKGROUND

- 2.1 The relevant legislation regarding health scrutiny is:
- Health and Social Care Act 2012,
 - The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013; and
 - *The Health and Care Act 2022 (subject to parliamentary approval)*
- 2.2 In summary, the statutory framework authorises local authorities to:
- review and scrutinise any matter relating to the planning, provision and operation of the health service; and,
 - consider consultations by a relevant NHS commissioning body or provider of NHS-funded services on any proposal for a substantial development or variation to the health service in the local authority's area.
- 2.3 Ultimately the regulations place a requirement on relevant scrutiny arrangements to reach a view on whether they are satisfied that any proposal that is deemed to be a substantial development or variation is in the interests of the health service in that area, or instead, that the proposal should be referred to the Secretary of State for Health and Social Care. In instances where a proposal impacts on the residents of one local authority area exclusively, this responsibility lays with that authority's health scrutiny arrangements alone.
- 2.4 Where such proposals impact on more than one local authority area, each authority's health scrutiny arrangements must consider whether the proposals constitute a substantial development or variation or not.

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The regulations place a requirement on those local authorities that agree that a proposal is substantial to establish, in each instance, a joint overview and scrutiny committee for the purposes of considering it. This protocol deals with the proposed operation of such arrangements for the local authorities of Cheshire and Merseyside.

3. PURPOSE OF THE PROTOCOL

3.1 This protocol sets out the framework for the operation of joint scrutiny arrangements where:

- a) an NHS commissioning body or health service provider consults with more than one local authority on any proposal it has under consideration, for a substantial development/variation of the health service;
- b) joint scrutiny activity is being carried out on a discretionary basis into the planning, provision and operation of the health service.

3.2 The protocol covers the local authorities of Cheshire and Merseyside including:

- Cheshire East Council
- Cheshire West and Chester Council
- Halton Borough Council
- Knowsley Council
- Liverpool City Council
- St. Helens Metropolitan Borough Council
- Sefton Council
- Warrington Borough Council
- Wirral Borough Council

3.3 Whilst this protocol deals with arrangements within the boundaries of Cheshire and Merseyside, it is recognised that there may be occasions when consultations/discretionary activity may affect adjoining regions/ areas. Arrangements to deal with such circumstances would have to be determined and agreed separately, as and when appropriate.

4. PRINCIPLES FOR JOINT HEALTH SCRUTINY

4.1 The fundamental principle underpinning joint health scrutiny will be co-operation and partnership with a mutual understanding of the following aims:

- To improve the health of local people and to tackle health inequalities;

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- To represent the views of local people and ensure that these views are identified and integrated into local health service plans, services and commissioning;
- To scrutinise whether all parts of the community are able to access health services and whether the outcomes of health services are equally good for all sections of the community; and,
- To work with NHS bodies and local health providers to ensure that their health services are planned and provided in the best interests of the communities they serve, taking into account any potential impact on health service staff.

5. SUBSTANTIAL DEVELOPMENT/VARIATION TO SERVICES

5.1 Requirements to consult

- 5.1.1 All relevant NHS bodies and providers of NHS-funded services¹ are required to consult local authorities when they have a proposal for a substantial development or substantial variation to the health service.
- 5.1.2 A substantial development or variation is not defined in legislation. Guidance has suggested that the key feature is that it should involve a major impact on the services experienced by patients and/or future patients.
- 5.1.3 Where a substantial development or variation impacts on the residents within one local authority area boundary, only the relevant local authority health scrutiny function shall be consulted on the proposal.
- 5.1.4 Where a proposal impacts on residents across more than one local authority boundary, the NHS body/health service provider is obliged to consult all those authorities whose residents are affected by the proposals in order to determine whether the proposal represents a substantial development or variation.
- 5.1.5 Those authorities that agree that any such proposal does constitute a substantial development or variation are obliged to form a joint health overview and scrutiny committee for the purpose of formal consultation by the proposer of the development or variation.
- 5.1.6 Whilst each local authority must decide individually whether a proposal represents a substantial development/variation, it is only the statutory joint health scrutiny committee which can formally comment on the

¹ This includes NHS E&I and any body commissioning services to the residents of Cheshire and Merseyside, plus providers such as NHS Trusts, NHS Foundation Trust and any other relevant provider of NHS funded services which provides health services to those residents, including public health.

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proposals if more than one authority agrees that the proposed change is “substantial”.

- 5.1.7 Determining that a proposal is not a substantial development/variation removes the ability of an individual local authority to comment formally on the proposal and exercise other powers, such as the power to refer to the Secretary of State. Once such decisions are made, the ongoing obligation on the proposer to consult formally on a proposal relates only to those authorities that have deemed the proposed change to be “substantial” and this must be done through the vehicle of the joint committee. Furthermore the proposer will not be obliged to provide updates or report back on proposals to individual authorities that have not deemed them to be “substantial”.
- 5.1.8 For the avoidance of doubt, if only one authority amongst a number being consulted on a proposal deem it to be a substantial change, the ongoing process of consultation on the proposal between the proposer and the remaining authority falls outside the provisions of this protocol.

5.2 Process for considering proposals for a substantial development/variation

- 5.2.1 In consulting with the local authority in the first instance to determine whether the change is considered substantial, the relevant NHS commissioning body / provider of NHS-funded services is required to:
- Provide the proposed date by which it requires comments on the proposals
 - Provide the proposed date by which it intends to make a final decision as to whether to implement the proposal
 - Publish the dates specified above
 - Inform the local authority if the dates change²
- 5.2.2 NHS commissioning bodies and local health service providers are not required to consult with local authorities where certain ‘emergency’ decisions have been taken. All exemptions to consult are set out within regulations.³
- 5.2.3 In considering whether a proposal is substantial, all local authorities are encouraged to consider the following criteria:
- *Changes in accessibility of services:* any proposal which involves the withdrawal or change of patient or diagnostic facilities for one or more speciality from the same location.

² Section 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

³ Section 24 *ibid*

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- *Impact on the wider community and other services:* This could include economic impact, transport, regeneration issues.
- *Patients affected:* changes may affect the whole population, or a small group. If changes affect a small group, the proposal may still be regarded as substantial, particularly if patients need to continue accessing that service for many years.
- *Methods of service delivery:* altering the way a service is delivered may be a substantial change, for example moving a particular service into community settings rather than being entirely hospital based.
- *Potential level of public interest:* proposals that are likely to generate a significant level of public interest in view of their likely impact.

5.2.4 These criteria will assist in ensuring that there is a consistent approach applied by each authority in making their respective decisions on whether a proposal is “substantial” or not. In making the decision, each authority will focus on how the proposals impacts on its own area/ residents.

6. OPERATION OF A STATUTORY JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

6.1 General

6.1.1 A joint health overview and scrutiny committee will be made up of each of the constituent local authorities that deem a proposal to be a substantial development or variation. This joint committee will be formally consulted on the proposal and have the opportunity to comment. It will also be able to refer to the Secretary of State for Health and Social Care if any such proposal is not considered to be in the interests of the health service.

6.1.2 A decision as to whether the proposal is deemed substantial shall be taken within a reasonable timeframe and in accordance with any deadline set by the lead local authority (see section 6.6), following consultation with the other participating authorities.

6.2 Powers

6.2.1 In dealing with substantial development/variations, any statutory joint health overview and scrutiny committee that is established can:

- require relevant NHS bodies and health service providers to provide information to and attend before meetings of the committee to answer questions

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- make comments on the subject proposal by a date provided by the NHS body/local health service provider
- make reports and recommendations to relevant NHS bodies/local health providers
- require relevant NHS bodies/local health service providers to respond within a fixed timescale to reports or recommendations
- carry out further negotiations with the relevant NHS body where it is proposing not to agree to a substantial variation proposal; and
- where agreement cannot be reached, to notify the NHS body of the date by which it intends to make the formal referral to the Secretary of State.

6.2.2 A joint health overview and scrutiny committee has the power to refer a proposal to the Secretary of State if:

- the committee is not satisfied that consultation with the relevant health scrutiny arrangements on any proposal has been adequate
- it is not satisfied that reasons for an 'emergency' decision that removes the need for formal consultation with health scrutiny are adequate
- it does not consider that the proposal would be in the interests of the health service in its area.

6.2.3 Where a committee has made a recommendation to a NHS commissioning body/local health service provider regarding a proposal and the NHS body/provider disagrees with the recommendation, the local health service provider/NHS body is required to inform the joint committee and attempt to enter into negotiation to try and reach an agreement. In this circumstance, a joint committee has the power to report to the Secretary of State if:

- relevant steps have been taken to try to reach agreement in relation to the subject of the recommendation, but agreement has not been reached within a reasonable period of time; or,
- there has been no attempt to reach agreement within a reasonable timeframe.

6.2.4 Where a committee disagrees with a substantial variation and has either made comments (without recommendations) or chosen not to provide any comments, it can report to the Secretary of State only if it has:

- Informed the NHS commissioning body/local health service provider of its decision to disagree with the substantial variation and report to the Secretary of State; or,
- Provided indication to the NHS commissioning body/local health service provider of the date by which it intends to make a referral.

6.2.5 In any circumstance where a committee disagrees with a proposal for a substantial variation, there will be an expectation that negotiations will

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be entered into with the NHS commissioning body/local health service provider in order to attempt to reach agreement.

- 6.2.6 Where local authorities have agreed that the proposals represent substantial developments or variations to services and agreed to enter into joint arrangements, it is only the joint health overview and scrutiny committee which may exercise these powers.
- 6.2.7 A statutory joint health overview and scrutiny committee established under the terms of this protocol may only exercise the powers set out in 6.2.1 to 6.2.4 above in relation to the statutory consultation for which it was originally established. Its existence is time-limited to the course of the specified consultation and it may not otherwise carry out any other activity.

6.3 Membership

- 6.3.1 The participating local authorities must ensure that those Councillors nominated to a joint health overview and scrutiny committee produce a membership that reflects the overall political balance across the participating local authorities. However, political balance requirements for each joint committee established may be waived with the agreement of all participating local authorities, should time and respective approval processes permit.
- 6.3.2 A joint committee will be composed of Councillors from each of the participating authorities within Cheshire and Merseyside in the following ways:
- where 4 or more local authorities deem the proposed change to be substantial, each authority will nominate 2 elected members
 - where 3 or less local authorities deem the proposed change to be substantial, then each participating authority will nominate 3 elected members.

(Note: In making their nominations, each participating authority will be asked to ensure that their representatives have the experience and expertise to contribute effectively to a health scrutiny process)

| Local authorities who consider change to be 'substantial' | No' of elected members to be nominated from each authority |
|--|---|
| 4 or more | 2 members |
| 3 or less | 3 members |

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6.3.3 Each local authority will be obliged to nominate elected members through their own relevant internal processes and provide notification of those members to the lead local administrative authority at the earliest opportunity.

6.3.4 To avoid inordinate delays in the establishment of a relevant joint committee, it is suggested that constituent authorities either arrange for delegated decision-making arrangements to be put in place to deal with such nominations at the earliest opportunity, or to nominate potential representatives annually as part of annual meeting processes to cover all potential seat allocations.

6.5 Quorum

6.5.1 The quorum of the meetings of a joint committee shall be one third of the full membership of any Joint Committee, subject to the quorum being, in each instance, no less than 3.

6.5.2 There will be an expectation for there to be representation from each authority at a meeting of any joint committee established. The lead local authority will attempt to ensure that this representation is achieved.

6.6 Identifying a lead local authority

6.6.1 A lead local authority should be identified from one of the participating authorities to take the lead in terms of administering and organising a joint committee in relation to a specific proposal.

6.6.2 Selection of a lead authority should, where possible, be chosen by mutual agreement by the participating authorities and take into account both capacity to service a joint health scrutiny committee and available resources. The application of the following criteria should also guide determination of the lead authority:

- The local authority within whose area the service being changed is based; or
- The local authority within whose area the lead commissioner or provider leading the consultation is based.

6.6.3 Lead local authority support should include a specific contact point for communication regarding the administration of the joint committee. There will be an obligation on the key lead authority officer to liaise appropriately with officers from each participating authority to ensure the smooth running of the joint committee.

6.6.4 Each participating local authority will have the discretion to provide whatever support it may deem appropriate to their own representative(s) to allow them to make a full contribution to the work of a joint committee.

6.7 Nomination of Chair/ Vice-Chair

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The chair/ vice-chair of the joint health overview and scrutiny committee will be nominated and agreed at the committee's first meeting.

6.8 Meetings of a Joint Committee

6.8.1 At the first meeting of any joint committee established to consider a proposal for a substantial development or variation, the committee will also consider and agree:

- The joint committee's terms of reference;
- The procedural rules for the operation of the joint committee;
- The process/ timeline for dealing formally with the consultation, including:
 - the number of sessions required to consider the proposal; and,
 - the date by which the joint committee will make a decision as to whether to refer the proposal to the Secretary of State for Health and Social Care – which should be in advance of the proposed date by which the NHS commissioning body/service provider intends to make the decision.

6.8.2 All other meetings of the joint committee will be determined in line with the proposed approach for dealing with the consultation. Different approaches may be taken for each consultation and could include gathering evidence from:

- NHS commissioning bodies and local service providers;
- patients and the public;
- voluntary sector and community organisations; and
- NHS regulatory bodies.

6.9 Reports of a Joint Committee

6.9.1 A joint committee is entitled to produce a written report which may include recommendations. As a minimum, the report will include:

- An explanation of why the matter was reviewed or scrutinised.
- A summary of the evidence considered.
- A list of the participants involved in the review.
- An explanation of any recommendations on the matter reviewed or scrutinised.

The lead authority will be responsible for the drafting of a report for consideration by the joint committee.

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6.9.2 Reports shall be agreed by the majority of members of a joint committee and submitted to the relevant NHS commissioning body/health service provider or the Secretary of State as applicable.

6.9.3 Where a member of a joint health scrutiny committee does not agree with the content of the committee's report, they may produce a report setting out their findings and recommendations which will be attached as an appendix to the joint health scrutiny committee's main report.

7. DISCRETIONARY HEALTH SCRUTINY

7.1 More generally, the Health and Social Care Act 2012 and the 2013 Health Scrutiny Regulations provide for local authority health scrutiny arrangements to scrutinise the planning, provision and operation of health services.

7.2 In this respect, two or more local authorities may appoint a joint committee for the purposes of scrutinising the planning, provision and operation of health services which impact on a wider footprint than that of an individual authority's area.

7.3 Any such committee will have the power to:

- require relevant NHS commissioning bodies and health service providers to provide information to and attend before meetings of the committee to answer questions.
- make reports and recommendations to relevant NHS commissioning bodies/local health providers.
- require relevant NHS commissioning bodies/local health service providers to respond within a fixed timescale to reports or recommendations.

7.4 Ordinarily, a discretionary joint committee will not have the power to refer an issue to the Secretary of State for Health and Social Care. However, please note section 8.3 below.

7.5 In establishing a joint committee for the purposes of discretionary joint scrutiny activity, the constituent local authorities should determine the committee's role and remit. This should include consideration as to whether the committee operates as a standing arrangement for the purposes of considering all of the planning, provision and operation of health services within a particular area or whether it is being established for the purposes of considering the operation of one particular health service with a view to making recommendations for its improvement. In the case of the latter, the committee must disband once its specific scrutiny activity is complete.

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- 7.6 In administering any such committee, the proposed approach identified in sections 6.3 – 6.9 (disregarding any power to refer to the Secretary of State) of this protocol should be followed, as appropriate.

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8. SCRUTINY OF CHESHIRE AND MERSEYSIDE INTERGRATED CARE SYSTEM

- 8.1 Further to this protocol and in particular section 7 above, the nine local authorities have agreed to establish a discretionary standing joint health scrutiny committee in response to the establishment of the Cheshire and Merseyside Integrated Care System.
- 8.2 A separate Joint Scrutiny Committee Arrangements document has been produced in line with the provisions of this protocol to outline how the standing joint committee will operate.
- 8.3 In summary, the “Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee” has the following responsibilities:
- To scrutinise the work of the Integrated Care System in relation to any matter regarding the planning, provision and operation of the health service at footprint level only; and
 - To consider the merits of any service change proposals that have been deemed to be a substantial variation in services by all nine authorities.

9. CONCLUSION

- 9.1 The local authorities of Cheshire and Merseyside have adopted this protocol as a means of governing the operation of joint health scrutiny arrangements both mandatory and discretionary. The protocol is intended to support effective consultation with NHS commissioning bodies or local health service providers on any proposal for a substantial development of or variation in health services. The protocol also supports the establishment of a joint health overview and scrutiny committee where discretionary health scrutiny activity is deemed appropriate.
- 9.2 The protocol will be reviewed regularly, and at least on an annual basis to ensure that it complies with all current legislation and any guidance published by the Department of Health and Social Care.

NOTICE OF MOTION

To be submitted to the meeting of Full Council to be held on: 13 July 2022

.....

in accordance with Standing Order Number 6.

| | Name (in capitals) | Signature |
|------------------|---------------------------|------------------|
| Proposer: | STEF NELSON | S Nelson |
| Seconder: | PHIL HARRIS. | Phil Harris |

SPRINKLERS SAVE LIVES AND PROPERTY FROM FIRE

This Council commends the Cheshire Fire & Rescue Service in its continuing efforts to save lives and believes it to be an exemplar in driving policy that requires the installation of all buildings to have sprinklers, whether they be in new built or retrospective fitting.

Sprinklers are proven to provide an effective first response to fire in buildings and play a vital role in saving lives. There have been no recorded fire deaths in a building fitted with correctly installed and maintained residential sprinklers.

Halton Council takes the view that legislative change is required to national planning and building policy in order to ensure that the installation of sprinklers is undertaken in every new premises, and in high-risk premises that would benefit from retrofitting sprinklers. We oppose current moves that would weaken the requirement to have sprinkler provision in schools (Building Bulletin 100).

This Council resolves:

To explore local policy options for Halton to promote and ensure sprinkler inclusion locally in all new build premises, whether they be Council owned or not, and to explore options to retrofit systems where possible.

To write to the Secretary of State for the Department for Levelling Up, Housing and Communities and local Members of Parliament to promote changes to the law to require sprinklers in all new built premises. Furthermore, Council seeks that local authorities be awarded grant funding to support the retrofitting of sprinklers in all public buildings.

To write to the Secretary of State for the Department for Education, to strongly condemn the proposed removal of sprinkler provisions from the revision of the design guide for fire safety in schools (Building Bulletin 100) and to request

that the requirement for sprinklers in all schools are strengthened rather than removed.

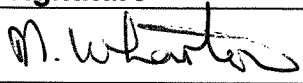

NOTICE OF MOTION

To be submitted to the meeting of Full Council to be held on:

Wednesday 13th July 2022

.....

in accordance with Standing Order Number 6.

| | Name (in capitals) | Signature |
|------------------|---------------------------|--|
| Proposer: | Cllr Mike Wharton |  |
| Seconder: | Cllr Mike Fry |  |

MOTION TO COUNCIL: HILLSBOROUGH

Halton Council commends survivors and the families of the ninety-seven fans who lost their lives as a result of the Hillsborough disaster for their three-decade campaign for justice.

The Council also notes that Kevin Sampson's recent drama for ITV, *Anne* - considered a masterpiece by many - has highlighted once again the fact that, despite the ninety-seven having been unlawfully killed, to date no individuals or organisations have been held accountable for their deaths.

The Council further notes that the impact of the campaign of lies, smears and propaganda orchestrated by South Yorkshire Police in 1989 and promoted by willing politicians and media continues to this day, with far too many members of the public even now parroting discredited lies about the behaviour of Liverpool fans in attendance at Hillsborough on 15 April 1989.

It is not surprising to Council that many families of the ninety-seven and Hillsborough survivors have expressed despair at this continuation of lies about Hillsborough.

Halton Council therefore undertakes to support the 'Real Truth Legacy Project' led by Ian Byrne in conjunction with many Hillsborough families and survivors. This is a campaign which seeks to ensure that current and future generations learn the truth about Hillsborough and aims to ensure that school children in Liverpool and the wider

Liverpool City Region initially have access to a definitive account of the disaster and the subsequent cover-up.

The Council hereby notes its support for a key element of The Real Truth Legacy Project which is to have education about Hillsborough added to the National Curriculum, including a dedicated “Hillsborough Day” in Liverpool and the wider Liverpool City Region, to take place on the nearest day suitable to the anniversary of the tragedy on 15th April each year.

The Hillsborough Day would see every Halton and Liverpool City Region primary and secondary school taking part in a special assembly to mark the anniversary and to learn more about the disaster, the cover-up and the fight for justice through dedicated teaching resource packs made available to every school in the city region by local education leads.

For the sake of past and future generations, this is something Halton Council feels it must get behind and calls on all councils in the Liverpool City Region and beyond to add their support to the Real Truth Legacy Project.”