

Joint Health Overview and Scrutiny Committee (JHOSC) for North Central London

27 June 2014

Election of Chair and Vice Chair

1.1 The terms of reference and procedures for the JHOSC state that:

“A Chair and a Vice Chair for the JHOSC shall be appointed at its first meeting of each Municipal Year. The Chair and the Vice Chair shall come from different boroughs.”

1.2 The JHOSC agreed revised terms of reference, scope and procedures at its meeting in January 2013. These were recommended to each borough represented on the JHOSC for adoption by their full Council, as required by the constitutions of each borough.

1.3 The procedures included a paragraph in relation to voting. This stated that; “voting will be on the basis of one vote per authority”. This provision was taken from earlier joint health scrutiny committees that local boroughs have been involved in. The rationale behind this was to ensure that joint committees work by consensus and reports and recommendations reflect the views of *all* authorities involved.

1.4 However, legal officers in two boroughs subsequently queried the legality of this provision on the basis that it did not comply with the statutory voting requirements under Schedule 12 of the Local Government Act 1972. Although all Councils formally agreed to continue their involvement with the JHOSC, not all adopted the procedural rules as part of this process. As the provisions of the Local Government Act in respect of voting apply to the JHOSC, they override any previously agreed formal rules for the JHOSC to the contrary so this should not make any difference.

1.5 The formal position in relating to any vote must therefore be that each Member is entitled to a vote and, in the event of a tie, the Chair will have a casting vote. Although the voting arrangements previously agreed by the JHOSC are not suitable to be formal rules because of the restrictions in Schedule 12 of the 1972 Act, it is nevertheless open to the JHOSC if it so wishes to choose to continue the previous convention by one member from each authority choosing not to vote on any given occasion (and the Chair choosing not to use his/her casting vote).

1.6 Any vote required for the appointment of Chair or Vice Chair must therefore formally be on the basis of each Member having the right to vote and, in the event of a tie, the Chair having a casting vote.