

REPORT OF THE  
Chief Executive  
PART I

**144. HEALTH SCRUTINY: DELEGATION OF POWERS TO JOINT HEALTH SCRUTINY COMMITTEE ON DORSET CLINICAL SERVICES REVIEW**

1. The purpose of this report is to request that, following the determination of the Hampshire Health and Adult Social Care (Overview and Scrutiny) Committee that the proposals under consideration as part of the Dorset 'Clinical Services Review' constitute, or are likely to constitute, a substantial change in service, the County Council delegate the Health Scrutiny function to a Joint Health Overview and Scrutiny Committee (JHOSC) on this topic.

**Health Scrutiny Context**

2. Dorset Clinical Commissioning Group has begun a process to analyse the future health needs of the people of Dorset and plan how best to meet them through a clinical services review. Possible options for the future of services in Dorset have not yet been finalised, but it is proposed that Dorset Clinical Commissioning Group, in conjunction with West Hampshire Clinical Commissioning Group, will begin consulting with the public on what these may look like in summer 2015.

3. Residents in South West and West Hampshire cross the border in order to access clinical services in Dorset, such as the acute hospitals sited in Bournemouth and Poole. The Health and Adult Social Care (Overview and Scrutiny) Committee have therefore determined, after considering Dorset Clinical Commissioning Group's case for change document, that it is likely that any changes to clinical services proposed is likely to impact on the Hampshire population who choose to access these in Dorset, and have therefore determined that they constitute, or are likely to constitute, a substantial change in service.

**Legislative Context**

3. The National Health Service Act 2006, as amended by the Health and Social Care Act 2012, provides that it is the County Council that is the holder of the statutory health scrutiny powers.

4. Pursuant to Paragraph 30 of the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (the Regulations) and Paragraph 5.5 of Part 2 Chapter 5 of the County Council's Constitution, the County Council may delegate health scrutiny powers to a Joint Health Overview and Scrutiny Committee (JHOSC), and appoint Members to that Committee when there is an intention by a relevant NHS body or relevant health service provider to consult more than one local authority's health scrutiny function on a substantial variation or development to health services that extend beyond Hampshire.

5. The Regulations set out the following requirements of a delegation to a JHOSC:

- Only the JHOSC may respond to the consultation (i.e. rather than each individual local authority responding separately).
- Only the JHOSC may exercise the power to require the provision of information by the relevant NHS body or health service provider about the proposal.
- Only the JHOSC may exercise the power to require members or employees of the relevant NHS body or health service provider to attend before it to answer questions in connection with the consultation.

6. The restrictions noted in paragraph 4 do not apply to referrals to the Secretary of State. Local authorities may choose to delegate their power of referral to the JHOSC but they need not do so. It is understood that the Councils of Bournemouth, Dorset and Poole have not delegated this function to the JHOSC and it is not proposed that the County Council should do so.

## **RECOMMENDATIONS**

That the County Council:

- (a) Delegates the County Council's health scrutiny function in relation to the Dorset Clinical Services Review to the Joint Health Overview and Scrutiny Committee reviewing the Dorset Clinical Services review for the purpose of scrutinising this topic.
- (b) Retains the function to refer the proposals to the Secretary of State for Health.
- (c) Agrees that two Conservative and one Liberal Democrat Health and Adult Social Care Select (Overview and Scrutiny) Committee members are appointed to the Joint Health Overview and Scrutiny Committee on the Dorset Clinical Services Review, in line with political proportionality rules.
- (d) Delegates authority for the Chief Executive, in consultation with the Chairman of the County Council and the Chairman of the Health and Adult Social Care Select (Overview and Scrutiny) Committee, to agree the Terms of Reference of the Joint Health Scrutiny Committee.