



Report to South Yorkshire, Derbyshire and Nottinghamshire Joint Health Overview & Scrutiny Committee 20th October 2020

Report of: Policy & Improvement Officer

Subject: Amendments to the Joint Health Overview and Scrutiny Committee Terms of Reference

Author of Report: Emily Standbrook-Shaw
Policy & Improvement Officer
emily.standbrook-shaw@sheffield.gov.uk

Summary:

The terms of reference of the South Yorkshire, Derbyshire and Nottinghamshire Joint Health Overview and Scrutiny Committee have been amended to clarify that 'powers of referral' to the Secretary of State are retained by each of the participating authorities and not delegated to the Joint Committee.

This amendment does not represent a change to the way the Committee operates; it is a clarification of the existing position.

The amended terms of reference are attached for the Committee's consideration.

Type of item:

Reviewing of existing policy	x
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The Scrutiny Committee is being asked to:

- Agree the amended Terms of Reference
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Category of Report: OPEN

Amendments to the Joint Health Overview and Scrutiny Committee Terms of Reference

1. Introduction

- 1.1 Where a health scrutiny body has been consulted by a relevant NHS body or health service provider on a proposed substantial development or variation, it may refer a proposal to the Secretary of State if:
- It is not satisfied with the adequacy of content of the consultation.
 - It is not satisfied that sufficient time has been allowed for consultation.
 - It considers that the proposal would not be in the interests of the health service in its area.
 - It has not been consulted, and it is not satisfied that the reasons given for not carrying out consultation are adequate.
- 1.2 In the case of Joint Health Overview and Scrutiny Committees (JHOSC), the 'power to refer' may be delegated to the joint committee, in which case only the joint committee may make a referral; or where the 'power to refer' has not been delegated to the joint committee, the individual authorities that have appointed the joint committee may make a referral.
- 1.3 In the case of the South Yorkshire, Derbyshire and Nottinghamshire Joint Health Overview and Scrutiny Committee, the 'power of referral' is retained by each of the participating authorities and is not delegated to the JHOSC.

2 Amendments to the terms of reference

- 2.1 The terms of reference have been amended to clarify this point, with the Insertion of the following wording at section c:

Each Local Authority retains the power of referral to the Secretary of State of any proposed "substantial variation" of service, unless the power has been delegated to the JHOSC by that Local Authority in accordance with their local constitution. No Local Authority has made such a delegation and so this power is not exercisable by the JHOSC.

- 2.2 This change does not represent a change to the way the Committee operates; it is a clarification of the existing position.
- 2.3 The amended terms of reference are attached for the Committee's consideration.

3. Recommendation

- 3.1 The Committee is being asked to
- Agree the amended Terms of Reference