

JOINT CITY AND COUNTY HEALTH SCRUTINY COMMITTEE
15 SEPTEMBER 2015
JOINT HEALTH SCRUTINY REFERRALS – DELEGATION CHANGE
REPORT OF HEAD OF DEMOCRATIC SERVICES

1. Purpose

- 1.1 The 2012 Health and Social Care Act moved responsibility for health scrutiny referrals to the Secretary of State from health scrutiny committees to Councils. Such referrals are proposed when scrutiny councillors feel that, following the consideration of evidence, proposals for substantial variation or change to a service is not in the best interests of the patient/ the public or has not been properly consulted upon.

2. Action required

The Committee is asked to:

- 2.1 note the delegation from Nottingham City Council to Nottingham City Council members of the Joint City and County Health Scrutiny Committee regarding urgent referrals to the Secretary of State.

3. Background information

- 3.1 The governance arrangements of each Council affect the power to delegate. Nottinghamshire County Council is not permitted to delegate the referral function, whilst Nottingham City Council, as a council which has adopted the strong leader and cabinet model, can.
- 3.2 It was agreed by Nottingham City Council in July 2015 that the Council retains responsibility for referrals to the Secretary of State on matters considered by the Joint City and County Health Scrutiny Committee, with the option of agreeing whether the City or the County should lead on taking the referral forward, where they both agree a referral should be made.
- 3.3 Nottingham City Council has also delegated responsibility to the City Council members of the Joint City and County Health Scrutiny Committee to make a decision to refer in urgent circumstances, given that Council only meets six times per year.
- 3.4 It is only the referral to the Secretary of State that can legally stop any further action on a service change taking place until he/she has made his/her decision.

4. List of attached information

4.1 None

5. Background papers, other than published works or those disclosing exempt or confidential information

5.1 None

6. Published documents referred to in compiling this report

6.1 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013)

6.2 Department of Health Guidance 2014

6.3 Nottingham City Council Full Council agenda 13 July 2015

7. Wards affected

7.1 All

8. Contact information

Clare Routledge, Health Scrutiny Project Lead

Tel: 0115 8763514

Email: clare.routledge@nottinghamcity.gov.uk