

REPORT OF THE
Health and Adult Social Care Select Committee
PART I

HEALTH SCRUTINY: DELEGATION OF POWERS TO JOINT HEALTH SCRUTINY COMMITTEE ON HAMPSHIRE TOGETHER – MODERNISING OUR HOSPITALS AND HEALTH SERVICES

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 'Hampshire Together – Modernising our Hospitals and Health Services' programme 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. Hampshire Hospitals NHS Foundation Trust, which runs hospitals in Basingstoke, Winchester and Andover, has been in discussion with Commissioners for a number of years regarding the sustainability of some of their services across their existing sites. The Trust now has funding under the Government's Health Infrastructure Plan (HIP) to build a business case for capital investment to improve the services they offer to patients in north and mid Hampshire. Options for the future service delivery model, including the potential for a new hospital site for acute services, have been shortlisted over the past six months. The Trust, in conjunction with their Clinical Commissioning Group partners, plan to begin consulting with the public on what these may look like in January 2021.
3. The Hampshire Health and Adult Social Care (Overview and Scrutiny) Committee (HASC) have been briefed on the development of these proposals at their 6 July 2020 and 10 November 2020 meetings. The documents considered at the November meeting are available here:
<https://democracy.hants.gov.uk/mgAi.aspx?ID=32524#mgDocuments>
At the 10 November meeting, the HASC determined that it is likely that any changes to clinical services proposed are likely to constitute a substantial change in service.
4. The Trust and commissioners have also engaged with neighbouring local authorities regarding their plans, as some patients from outside the Hampshire county boundary use Hampshire Hospitals services. There is also a potential knock on impact for other providers if the location of services were to change. Of those other authorities, Southampton City Council's Health Overview and Scrutiny Panel have also determined the proposals a substantial change. Therefore, there is a requirement to convene a Joint Committee between the authorities that

consider the plans a substantial change. Other neighbouring authorities have expressed interest in being standing observers of the Joint Committee so that they can be kept informed of developments.

Legislative Context

5. 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.
6. Pursuant to Paragraph 30 of the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (the Regulations) and Paragraph 1.5 of Part 2 Chapter 5 of the County Council's Constitution, the County Council must delegate health scrutiny powers to a Joint Health Overview and Scrutiny Committee (JHOSC), and appoint Members to that Committee when a relevant NHS body or relevant health service provider consults more than one local authority on a substantial variation or development to health services that extend beyond Hampshire.
7. 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.
8. The restrictions noted in paragraph 7 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. Proposed terms of reference for this Joint Committee are attached as an appendix.

RECOMMENDATIONS

That the County Council:

- Delegates the County Council's health scrutiny function in relation to the 'Hampshire Together – Modernising our Hospitals and Health Services' programme to a Joint Health Overview and Scrutiny Committee for the purpose of scrutinising this topic.
- Agrees that five Conservative and two 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 'Hampshire Together – Modernising our Hospitals and Health Services' programme, in line with political proportionality rules.
- Approves the Terms of Reference of the Joint Health Scrutiny Committee.