

## Notice of Motion – Worthing Borough Council

### Report by the Director for Communities

#### 1.0 Summary

- 1.1 To consider the Notice of Motion attached as Appendix 2 referred to the Committee by Worthing Borough Council meeting on 16 December 2014.
- 1.2 To determine the Notice of Motion where it is within the Borough Council's remit.

#### 2.0 Background

- 2.1 The Director for Communities, as proper officer, accepted the Notice of Motion and under the newly adopted Constitution, Council Procedure Rule 14.5, Council accepted his determination that the matter should be considered by this Committee. Therefore the Notice has been proposed and seconded and automatically referred for consideration and determination.
- 2.2 Council Procedure Rule 14.6 allows the mover of the Motion to attend the Committee and explain the Motion.
- 2.3 Under Rule 14.6.2 the member may answer questions from the Committee for the purposes of clarification prior to any debate and may sit with the Committee for the item in question.
- 2.4 Under Rule 14.6.3 the Member may not partake in the debate nor vote upon the item.
- 2.5 In accordance with the National Health Service Act 2006 and subsequent Regulations governing local health scrutiny (Local Authority Public Health, Health and Wellbeing Boards and Health Scrutiny Regulations 2013), the responsibility for health scrutiny is conferred on Councils with social services responsibilities – ie in West Sussex this is undertaken by West Sussex County Council via the Health and Adult Social Care Committee (HASC). Councillors Rod Hotton (Adur) and Dr Heather Mercer (Worthing) have been co-opted onto the HASC in accordance with the Regulations.
- 2.6 This Committee does also have the option to consider matters affecting the general wellbeing of the area.

- 2.7 The Proposer of the Motion has supplied supporting information which has been circulated to Members of the Committee.
- 2.8 The issues which are the subject of this Notice of Motion have been subject to significant debate at the HASC recently  
[http://www.westsussex.gov.uk/your\\_council/meetings\\_and\\_decision-making/meetings/scrutiny\\_and\\_select\\_committees/health\\_and\\_adult\\_social\\_care\\_s/health\\_and\\_adult\\_social\\_care\\_a.aspx](http://www.westsussex.gov.uk/your_council/meetings_and_decision-making/meetings/scrutiny_and_select_committees/health_and_adult_social_care_s/health_and_adult_social_care_a.aspx)
- 2.9 Further discussion will also take place at HASC on 21 January 2015 and the Business Planning Group of HASC have been asked to monitor developments regarding musculoskeletal services and identify any further issues for scrutiny.

### **3.0 Proposals**

- 3.1 As formal responsibility for Health Scrutiny sits with West Sussex County Council it is suggested that the Notice of Motion should be referred to the HASC for consideration as part of its ongoing Work Programme and that the Councils representative on HASC should also be requested to raise the item with the Chairmen of HASC.

### **4.0 Legal**

- 4.1 The Local Government Act 2000, Section 37 places a duty on each Council to prepare and keep up to date a written constitution.
- 4.2 The Local Authorities (Functions and Responsibilities)(England Regulations 2000, as amended, sets out whether or not functions are executive functions.
- 4.3 Part 4 of the Constitution, Council Procedure Rule 14 applies to the submission and determination of Notices of Motion and are referred to in this report.

### **5.0 Financial implications**

- 5.1 There are no financial implications to the Council of this Notice of Motion.

### **6.0 Recommendation**

- 6.1 The Joint Overview and Scrutiny Committee is recommended to:

- i) invite the proposer of the Motion (Councillor Thorpe) to address the Committee to explain the Motion
- ii) ask the proposer of the Motion (Councillor Thorpe) to respond to any questions from Members of the Committee for the purposes of clarification
- iii) determine the Motion where the Borough Council has powers or duties which could be to refer the Motion to WSCC HASC for inclusion as part of its Work Programme and/or refer the matter to HASC via the Worthing Borough Council representative on HASC.

## **Local Government Act 1972**

## **Background Papers:**

WBC Constitution adopted by Council October 2014  
Notice of Motion to Council on 16 December 2014

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## **Schedule of Other Matters**

### **1.0 Council Priority**

- 1.1 The subject of the Motion is a health issue which is within the remit of the NHS; the Council does have responsibility to promote the general wellbeing in the area and the provision of good health services is crucial for both the communities and the economy.

### **2.0 Specific Action Plans**

- 2.1 None

### **3.0 Sustainability Issues**

- 3.1 Sustainability considered and no issues identified.

### **4.0 Equality Issues**

- 4.1 Matter considered and no issues identified.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 Matter considered and no issues identified.

### **6.0 Human Rights Issues**

- 6.1 Matter considered and no issues identified.

### **7.0 Reputation**

- 7.1 Matter considered and no issues identified.

### **8.0 Consultations**

- 8.1 Matter considered and no issues identified.

### **9.0 Risk Assessment**

- 9.1 Matter considered and no issues identified.

### **10.0 Health & Safety Issues**

- 10.1 Matter considered and no risks identified.

### **11.0 Procurement Strategy**

- 11.1 Matter considered and no issues identified.

### **12.0 Partnership Working**

- 12.1 Matter considered and no issues identified.

## Dare to Care Health Motion to Worthing Borough Council

The Council notes the current situation with concern, and is urged to:

1. Recognise the concern of the public about the potential danger to health caused by the proposed Musculoskeletal Services MSK contract. There are significant training and staffing matters arising from the contract's implementation, and patients are concerned about their level of treatment.
2. Note that the due process has not been used. The independent impact assessment should have preceded the decision not followed it. Consultation was flawed, lacking transparency.

Therefore the Council is urged,

1. To support the campaign for an improved rather than a degraded service for Worthing residents
2. Ascertain to know why the contract wasn't given to the current provider, given the local investment
3. That the local community is made aware of the Council's aims at the earliest opportunity, via the website and /or press release