

OPEN

Scrutiny Committee

Thursday, 4 September 2025

Substantial Development or Variation of Service (SDV) - Stage 1 Process

Report of: Acting Governance, Compliance and Monitoring Officer

Report Reference No: SC/10/25-26

Ward(s) Affected: All

For Decision or Scrutiny: Decision

Purpose of Report

- 1 The purpose of this report is to seek the views of the committee in relation to streamlining the process for determining Substantial Developments or Variation of Service (SDV).

Executive Summary

2. NHS Cheshire and Merseyside Integrated Care Board (ICB) are currently reviewing numerous policies that may or may not impact residents of Cheshire East.
 - 2.1 The ICB has a duty to engage with Local Authority Health and Overview Scrutiny Committees (HOSC) to seek confirmation as to whether the HOSC believes this proposal is a substantial change to NHS services.
 - 2.2 As outlined within the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) regulations, and covered within the Cheshire and Merseyside protocol for the establishment of joint health scrutiny arrangements, where a proposal on changes to NHS services impact on more than one Local Authority area, it is for each individual authority to reach a view on whether the proposal is deemed to be a Substantial Development or Variation (SDV) for that Local Authority area, and where more than one Local Authority agrees that it does (for the same proposal) then regulations place a requirement on

those local authorities to establish a joint overview and scrutiny committee for the purposes of considering the proposal.

- 2.3 The Cheshire and Merseyside protocol deals with the proposed operation of such arrangements for the Local Authorities of Cheshire and Merseyside. Details of the protocol are attached at [Appendix 1 - Cheshire and Merseyside Joint Health Scrutiny Arrangements Protocol.pdf](#).
- 2.4 Due to a review of a significant number of policies administered by Cheshire and Merseyside ICB, it is anticipated that a number of SDV considerations will be required by the Scrutiny Committee. To help deal with the SDV's in a timely manner, the committee are asked to consider streamlining 'Stage 1' (initial consultation phase) of the process.

RECOMMENDATIONS

The Scrutiny Committee is recommended to:

1. Delegate authority to the Statutory Scrutiny Officer, in consultation with the Chair and Vice Chair of the Scrutiny Committee, to decide whether a proposal represents a "substantial" change.

Background

3. Several proposals relating to health service developments or variations are expected in the coming months. Each proposal that could impact Cheshire East residents will require initial consideration by this Committee.
- 3.1 The Committee's role during the initial consultation phase is limited to determining whether the proposals constitute a "substantial" change for Cheshire East residents.
- 3.2 Where such proposals impact on more than one local authority area, each authority's health scrutiny arrangements must consider whether the proposals constitute a substantial development or variation or not. The regulations place a requirement on those local authorities that agree that a proposal is substantial to establish, in each instance, a joint overview and scrutiny committee for the purposes of considering it. This stage will remain unchanged.

- 3.4 It is acknowledged that due to the number and nature of service change proposals that are expected, there may be circumstances where the first phase, including the initial decision, may need to be expedited to allow for timely second stage and detailed consideration of the proposals by the place-based, or ad hoc joint health scrutiny committee in line with statutory health scrutiny requirements. To facilitate such cases, it is proposed that the Scrutiny Committee consider an option for streamlining its approach to the initial consideration of proposals where appropriate.
- 3.5 The Committee is recommended to delegate the decision on whether a proposal represents a “substantial” change to the Statutory Scrutiny Officer (or their representative), in consultation with the Chair and Vice Chair of the Scrutiny Committee.
- 3.6 In each case, the Statutory Scrutiny Officer, Chair, and Vice Chair may still decide convene the full committee to make this decision when deemed appropriate. When exercising delegated authority, they will report their decision back to the committee at the next available meeting, providing their reasoning for the determination of proposals as substantial, or not substantial.
- 3.7 This delegation will not affect the second phase of scrutiny for any proposals identified as substantial, which will continue to be examined in detail by either this Committee for proposals affecting only Cheshire East, or by a Joint Health Scrutiny Committee if the proposals affect two or more areas in Cheshire and Merseyside.

Consultation and Engagement

4. No consultation is necessary for this report.

Reasons for Recommendations

5. To ensure efficient and timely consideration of SDV proposals which will support the ongoing review of NHS Cheshire and Merseyside ICB policies.

Other Options Considered

Option	Impact	Risk
Do nothing – continue with current process	Potential delay in providing response to NHS consultations	Reputational damage and increased pressure on partner working arrangements

Implications and Comments

Monitoring Officer/Legal/Governance

6. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) regulations place a requirement on relevant individual scrutiny arrangements to reach a view on whether they are satisfied that any proposal that is deemed to be a substantial development or variation is in the interests of the health service in that area. The proposed change to the process will delegate authority to the Statutory Officer, in consultation with the Chair and Vice Chair of the Scrutiny Committee, to make initial decisions on whether the proposal is substantial or not in order to expedite the process considering an expected influx of policy changes. Decisions will still be reached using the same criteria and will be reported back to Committee together with the reasoning behind those decisions, which provides assurance. This does represent a shift in decision making but with Member involvement remaining and is a means by which to ensure that decisions are made in a timely and effective manner given NHS consultation deadlines and that scrutiny committee time is focused on substantial proposals which require individual or joint scrutiny committee attention.

Section 151 Officer/Finance

7. Streamlining the process for determining Substantial Developments or Variation of Service (SDV) will have no impact on the council budget or the MTFs however, it will avoid potential additional costs arising from any additional meetings needing to be arranged to enable a representative from the NHS to attend.

Human Resources

8. There are no implications to Human Resources.

Risk Management

9. There are no implications to Risk Management.

Impact on other Committees

10. There will be no impact to any other Committees.

Policy

- 11.

Commitment 2: Improving health and wellbeing	Commitment 3: An effective and enabling council
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Equality, Diversity and Inclusion

12. There are no Equality, Diversity or Inclusions implications of this report.

Other Implications

13. There are no implications relating to Rural Communities, Children and Young People, Public Health or Climate Change.

Consultation

Name of Consultee	Post held	Date sent	Date returned
<i>Statutory Officer (or deputy) :</i>			
Ashley Hughes	S151 Officer	20/08/25	27/08/25
Janet Witkowski	Acting Monitoring Officer	20/08/25	20/08/25
<i>Legal and Finance</i>			
Julie Gregory	Head of Legal Services	06/08/25	11/08/25
Nick Finnan	Principal Accountant		

<i>Other Consultees:</i> <i>Directors</i>			
Name	Job title	Click or tap to enter a date	Click or tap to enter a date

Access to Information	
Contact Officer:	Jennifer Ashley, Katie Small jennifer.ashley@cheshireeast.gov.uk, katie.small@cheshireeast.gov.uk
Appendices:	Appendix 1 - Cheshire and Merseyside Joint Health Scrutiny Arrangements Protocol.pdf
Background Papers:	Section 244 - National Health Service Act 2006 Scrutiny Committee - December 2024 - Proposed SDV Gluten Free Prescribing Scrutiny Committee - June 2025 - Proposed SDV Fertility Treatments