

Recommendation to Council on 24 January 2013	From: General Purposes Committee on 6 December 2012	Item 10 (iii)
	Transfer of Public Health Functions to the Council	
1.	Council is asked to approve the following recommendation:-	
	<p>that the Monitoring Officer be authorised to:</p> <ul style="list-style-type: none"> a) make the required changes to Part H of the Constitution with regard to the appointment of a Director of Public Health, as outlined in the report below, and having regard to any regulations made by the Secretary of State under the Health and Social Care Act 2012; b) make the required changes to Part E of the Constitution with regard to the formation of a Health and Wellbeing Board, as outlined in the report below, and having regard to any regulations made by the Secretary of State under the Health and Social Care Act 2012; c) make any further changes to the Constitution that may become necessary in the light of developments that arise before the transfer of public health functions takes effect on 1 April 2013, following consultation with the Chairman of the General Purposes Committee. 	
	Background	
2.	The Committee considered a report by the Head of Legal and Democratic Services setting out proposed changes to the Council's Constitution to accommodate the transfer of both strategic and specific public health functions to the Council under the Health and Social Care Act 2012.	
3.	Members noted that the Council, acting with the Secretary of State, was required to appoint a Director of Public Health. As a result it would be necessary to amend Parts H1, H3 and H4 of the Council's Constitution to reflect the new Director's appointment as a statutory chief officer with prescribed responsibilities, any proper officer functions allocated and the arrangements for the officer's appointment within the Officer Employment Procedure Rules.	
4.	The Committee was also advised that the Act required the Council to establish a Health and Wellbeing Board. Although it was anticipated	

	that the statutory requirement to establish a Board would come into effect from 1 April 2013 Members were aware that Central Bedfordshire had already established a Shadow Board in May 2012 and that it had met on several occasions.
5.	Under the Act, the Health and Wellbeing Boards would be ordinary council committees appointed under the Local Government Act 1972. However, the meeting noted that the provisions covering the Boards within the Health and Social Care Act 2012 were incompatible with the law regulating local authority committees set out in the Local Government Act and later local government legislation. As a result the Government was due to make regulations which would allow Boards to function as envisaged in the Health and Social Care Act 2012. The Department of Health had indicated that the regulations would be made in January 2013 and would come into force on 1 April 2013.
6.	The Head of Legal and Democratic Services had drawn up draft Terms of Reference for Central Bedfordshire's Board and, once approved, these would be inserted in Part E2 of the Constitution. However, the Committee was aware that these could require amendment as a result of the Department of Health's regulations. The Committee was further aware that the Committee Procedure Rules contained in Part E3 of the Constitution might need to be amended to ensure the Board's business was conducted in accordance with the regulations.
7.	As a result of the above the Head of Legal and Democratic Services is seeking, in his role as Monitoring Officer, for authority to make changes to the Constitution as required by the regulations and, in addition, to make further changes arising from developments that occur before the transfer of the public health functions take effect on 1 April 2013. The latter to be subject to consultation with the Chairman of the General Purposes Committee.
Appendices	None