

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 15, Priory House, Monks Walk, Shefford on Thursday, 6 December 2012

### PRESENT

Cllr P Hollick (Chairman)

Cllrs P N Aldis  
Mrs G Clarke  
J G Jamieson  
M R Jones  
Mrs J G Lawrence

Cllrs D J Lawrence  
K C Matthews  
J Murray  
B Saunders

Apologies for Absence: Cllrs R C Stay  
N Warren

Substitutes: Cllrs D Bowater (In place of R C Stay)  
J N Young (In place of N Warren)

Members in Attendance: Cllr R D Berry

Officers in Attendance: Mr J Atkinson – Head of Legal and Democratic Services  
Ms S Chapman – Development Plans Process Team Leader  
Ms D Clarke – Assistant Chief Executive (People & Organisation)  
Mrs C Jones – Head of HR Policy & Development  
Mr L Manning – Committee Services Officer

GPC/12/24 **Minutes**

### RESOLVED

**that the minutes of the meeting of the General Purposes Committee held on 13 November 2012 be confirmed and signed by the Chairman as a correct record.**

GPC/12/25 **Members' Interests**

Councillor Bowater declared an interest with regard to item 9 (Transfer of Public Health Functions to the Council). The reason given for the declaration was that Councillor Bowater served as a Partnership Governor (Local Authority) on the Council of Governors for the South Essex Partnership University NHS Foundation Trust (SEPT).

GPC/12/26 **Chairman's Announcements and Communications**

None.

GPC/12/27 **Petitions**

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

GPC/12/28 **Questions, Statements or Deputations**

No questions, statements or deputations were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

GPC/12/29 **Pay Policy Statement 2013/14**

The Committee considered a report by the Assistant Chief Executive (People & Organisation) which set out the draft Pay Policy Statement for 2013/14. Members noted that sections 38-43 of the Localism Act 2011 required all local authorities to publish a comprehensive Pay Policy Statement before 31 March every year.

It was further noted that the Localism Act had further extended the existing requirements under the Code of Transparency to publish Chief Officer remuneration on council websites and that Central Bedfordshire already complied with this requirement.

The Head of HR Policy and Development advised the meeting that the draft Pay Policy Statement reflected existing policies and terms and conditions previously agreed and represented an updated version of the Pay Policy Statement adopted for 2012/13.

Members were reminded that the Localism Act required that the Policy be approved by full Council.

Discussion followed during which Members sought clarification on various aspects of officer pay. The Head of HR Policy and Development answered some queries whilst reminding the Committee that information on the issues raised was available on the Council's website. She undertook to circulate links to the relevant web pages to all members of the Council.

**NOTED**

**the draft Pay Policy Statement for 2013/14.**

## **RECOMMENDED TO COUNCIL**

- 1 that the draft Pay Policy Statement 2013/14, as set out at Appendix A to these minutes, be approved and adopted;**
- 2 that, following approval and adoption, the Pay Policy Statement 2013/14 be published on the Council's website.**

### **GPC/12/30 Changes to Council's Constitution to Reflect Planning Reform**

The Committee considered a report by the Director of Sustainable Communities which proposed amendments to Parts B2, D1 and H3 of the Council's Constitution. Members noted that the changes were necessary in order to comply with recent legislative changes in relation to development planning as contained in the Localism Act 2011, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning (General) Regulations 2012.

#### **NOTED**

**the proposed changes to the Council's Constitution required to comply with legislative changes in relation to development planning.**

## **RECOMMENDED TO COUNCIL**

**that the proposed changes to Part B2, Part D1 and Part H3 of the Council's Constitution, required to comply with changes under the Localism Act 2011, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning (General) Regulations 2012 in relation to development planning, as set out at Appendix B to these minutes, be approved and adopted.**

### **GPC/12/31 Transfer of Public Health Functions to the Council**

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 public health functions to the Council under the Health and Social Care Act 2012.

The meeting noted that the changes would take effect on 1 April 2013. The Council would then have a general duty to take appropriate steps to improve the health of people resident in Central Bedfordshire. This would include the preparation of an assessment of relevant needs and a joint health and wellbeing strategy. Members were advised that, in addition to the strategic functions, the Act transferred a number of specific functions from the NHS to local authorities including public health services relating to dental and mental health, the medical inspection and treatment of pupils in schools and joint working with the Prison Service. The Secretary of State had power to make regulations to transfer additional functions to local authorities.

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. Following a Member's query the Assistant Chief Executive (People & Organisation) explained that the post's salary would be paid from a ring fenced budget supplied by the NHS. The budget would fund all staff transferring to the Council from the Health Service. Following further discussion the Assistant Chief Executive (People & Organisation) undertook to provide an update on this matter in the Members' Information Bulletin once further details emerged.

The Committee was 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. It was noted that from April 2013 the Board would be responsible for undertaking the needs assessment and the preparation of the health and wellbeing strategy for the Council.

Members noted that under the Act the Health and Wellbeing Boards would be ordinary council committees appointed under the Local Government Act 1972. The meeting also noted, however, 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.

The Head of Legal and Democratic Services had drawn up draft Terms of Reference for Central Bedfordshire's Board and a copy was attached as an appendix to the officer's report. The Terms of Reference, once approved, 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. Amendments were therefore likely with regard to the appointment of sub-committees, voting arrangements and the rules regarding political balance. As a result the Head of Legal and Democratic Services was 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 occurred before the transfer of the public health functions took effect on 1 April 2013. The latter would be subject to consultation with the Chairman of the General Purposes Committee.

Comment was passed on the existing heavy work load experienced by the Social Care, Health and Housing Overview and Scrutiny Committee and the possibility of a new overview and scrutiny committee to undertake the scrutiny role for the Board was suggested. In response the Head of Legal and Democratic Services advised that there were no proposed changes to the health scrutiny function. However, this was an issue under national consideration and he might need to report further to a future meeting of the General Purposes Committee.

**NOTED**

**the proposed changes to the Council's Constitution that will be required as a consequence of the transfer of public health functions to the Council under the Health and Social Care Act 2012.**

**RECOMMENDED TO COUNCIL**

**that the Monitoring Officer be authorised to:**

- 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 preamble above, 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 preamble above, 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.**

(Note: The meeting commenced at 9.30 a.m. and concluded at 10.08 a.m.)

Chairman .....

Dated .....