

## **Appendix F – Legal Requirements – Addendum A**

More detailed advice on the legal implications of proposed efficiencies will be required as and when the detail and specifics of a particular proposed efficiency are determined. Attention is drawn to the following legislation relating to the specific efficiencies identified in this addendum.

### **Community Services**

#### **Efficiency - CS1718E037 Waste - Reduction of HWRC Opening hours.**

The Council is obliged to provide places to deposit waste to residents which should be available at all reasonable times:

Environmental Protection Act 1990

S.51 Functions of waste disposal authorities

- (1) It shall be the duty of each waste disposal authority to arrange—
- (b) for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited;
- (2) The arrangements made by a waste disposal authority under subsection (1)(b) above shall be such as to secure that—
  - (a) each place is situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area;
  - (b) each place is available for the deposit of waste at all reasonable times (including at least one period on the Saturday or following day of each week except a week in which the Saturday is 25th December or 1st January);
  - (c) each place is available for the deposit of waste free of charge by persons resident in the area;but the arrangements may restrict the availability of specified places to specified descriptions of waste.

An assessment of what is reasonable in relation to each centre will be required as will any appropriate consultation

### **Public Health**

#### **Efficiency – PH13 Aspire Neuro Linguistic Programming.**

#### **Efficiency - PH15 Adult weight management**

#### **Efficiency PH 16 and PH 17 Healthchecks**

S.2B(1) of the National Health Service Act 2006 imposes a duty on the Council to "take such steps as it considers appropriate for improving the health of the people in its area." These steps may include providing information and advice; providing services or facilities to promote health living; providing services or facilities for the prevention, diagnosis or treatment of illness; financial incentives to encourage healthier lifestyles and making available the services of any person or any facilities.

Under the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013 in exercising the duty above the Council is obliged to offer health checks to all eligible persons between the ages of 40 and 74 once in every relevant period. Both eligibility and relevant period are specifically prescribed in the Regulations and should be complied with. Eligibility for

healthchecks does not include persons with diagnoses detailed in sub-clauses 4(1)(a) to (c) of the Regulations as detailed.

## **Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013**

### **4 Health check assessment**

(1) In the exercise of its functions under section 2B of the Act (functions of local authorities and Secretary of State as to improvement of public health), each local authority shall provide, or shall make arrangements to secure the provision of, health checks to be offered to eligible persons in its area.

(2) Subject to paragraph (5), in this regulation, an eligible person is a person in the local authority's area who is aged from 40 to 74 years.

(3) Each eligible person shall be offered a health check once in every relevant period.

(4) For the purposes of this regulation, the relevant period is—

(a) in the case of a person who is an eligible person on the date that this Part comes into force

(i) the period of five years starting with that date, and

(ii) each subsequent period of five years starting on the date on which the previous health check was offered;

(b) in the case of a person who becomes an eligible person (whether or not that person has ever previously been an eligible person) on a date after the date that this Part comes into force,

(i) the period of five years starting with the date on which the person becomes an eligible person, and

(ii) each subsequent period of five years starting on the date on which the previous health check was offered.

(5) Any person of a description specified in this paragraph shall not be an eligible person for the purposes of this regulation—

(a) a person who has been diagnosed with any of the following—

(i) coronary heart disease,

(ii) chronic kidney disease (CKD), being CKD which has been classified as stage 3, 4 or 5 CKD within the meaning of the National Institute for Health and Clinical Excellence clinical guideline 73 on Chronic Kidney Disease, published September 2008,

(iii) diabetes,

(iv) hypertension,

(v) atrial fibrillation,

(vi) transient ischaemic attack,

(vii) hypercholesterolaemia,

- (viii) heart failure,
- (ix) peripheral arterial disease,
- (x) stroke;
- (b) a person who is being prescribed statins for the purpose of lowering cholesterol;
- (c) a person who has been assessed, either through a previous NHS health check or through any other check undertaken through the health service in England, as having a twenty per cent or higher risk of having a cardiovascular event during the ten years following the check.
- (6) In discharging the requirement under paragraph (1), the local authority shall act with a view to securing continuous improvement in the percentage of eligible persons in its area participating in the health checks.