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**PUBLIC HEALTH TRANSFER OF RESPONSIBILITIES**

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**Responsible Cabinet Member -  
Councillor Andy Scott, Health and Partnerships Portfolio**

**Responsible Directors –  
Murray Rose, Director of People  
Paul Wildsmith, Director of Resources**

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**SUMMARY REPORT**

**Purpose of the Report**

1. The purpose of this report is to make the necessary changes to the Council's governance arrangements and Constitution to enable the Council to carry out its new responsibilities in relation to Public Health set out in the Health and Social Care Act 2012.

**Summary**

2. The act creates a duty on local authorities to take such steps as considered appropriate for improving the health of the people in its area.
3. The steps that a local authority can take under the Act include:
  - (a) providing information and advice;
  - (b) providing services or facilities designed to promote healthy living (whether by helping individuals to address behaviour that is detrimental to health or in any other way);
  - (c) providing services or facilities for the prevention, diagnosis or treatment of illness;
  - (d) providing financial incentives to encourage individuals to adopt healthier lifestyles;
  - (e) providing assistance (including financial assistance) to help individuals to minimise any risks to health arising from their accommodation or environment;

- (f) providing or participating in the provision of training for persons working or seeking to work in the field of health improvement;
  - (g) making available the services of any person or any facilities.
4. These responsibilities transfer to the local authority with effect from 1 April 2013 and a budget has been allocated of £6,989,000 for 2013/14 and £7,184,000 for 2014/15 to support the carrying out of these new functions.
  5. In order to make decisions in relation to these matters, and to ensure that there is a responsible Cabinet portfolio and an appropriate Scrutiny Committee small changes are required to the Cabinet Portfolios, the Scrutiny remits, the scheme of delegation for Officers and the Proper Officer list within the Constitution.
  6. This report describes those changes and formally recognises the acquisition of the new responsibilities.

### **Recommendation**

7. It is recommended that :-
  - (a) The constitution is amended to reflect the changes to responsibilities as follows:
    - (i) That the powers in relation to Public Health are delegated to the Director of People acting through the Director of Public Health.
    - (ii) That the Director of Public Health is added to the scheme of delegation with the same powers and duties as Assistant Directors in relation to the areas within their responsibility.
    - (iii) That the Director of Public Health is recognised as a proper officer function (one with specific responsibilities identified in statute as exercisable by a particular officer) in the list of Proper Officer functions within the Constitution.
    - (iv) That the Cabinet Portfolio for Health and Partnerships is amended to show the additional public health responsibilities set out in the Act.
    - (v) That the matter be referred to Council with a recommendation that the Scrutiny remit of the Health and Partnerships Scrutiny Committee is amended to show specific responsibility for scrutinising the executive in relation to the exercise of the new public health functions.

### **Reasons**

8. The recommendations are supported by the following reasons :-

- (a) To enable the Council to fulfil its new public health duty.
- (b) To ensure the Council's governance arrangements and Constitution are kept up to date.

**Murray Rose**  
**Director of People**  
**Paul Wildsmith**  
**Director of Resources**

### **Background Papers**

No Background papers were used in the preparation of this report

C.Whitehead: Extension 2306

S17 Crime and Disorder	This report does not directly impact on Crime and Disorder beyond the statutory requirement to accept the new functions.
Health and Well Being	The report has a direct impact on health and wellbeing in so far as the report relates to the acquisition of public health responsibilities, it does not however have any direct impact on any individuals and reflects statutory requirements.
Carbon Impact	There are no carbon impact implications in this report
Diversity	This report implements the Health and Social Care Act and the decisions in this report do not have an impact on any individuals.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	This report does not make any changes to the budget or policy framework.
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	This report is required to implement statutory change.
Efficiency	There are no specific efficiency implications in the report but it is necessary to have powers available to make decisions about the spend of the Public Health budget.

## MAIN REPORT

### Information and Analysis

9. This report sets out the changes necessary to implement the Health and Social Care Act in relation to our public health duties.
10. The arrangements for carrying out the public health duty have been put in place. A Director of Public Health has been appointed and is Miriam Davidson. Staff will transfer under the transition arrangements from the PCT to the local authority. A detailed report setting out the transition plan was considered at the November Cabinet meeting.
11. Since that report the public health allocation has now been confirmed. The allocation is for a 2 year period and is ring-fenced to meet public health responsibilities in local authorities. The allocation for Darlington Borough Council is; £6,989,000 for 2013/14 and £7,184,000 for 2014/15. The allocation covers both services mandated through regulation and all other services that will be required locally based on need to help people live longer, healthier and more fulfilling lives, and to improve the health of the most vulnerable fastest. The allocation is sufficient to meet all currently identified transferring responsibilities. Local authorities will be required to send quarterly high-level returns of their expenditure and a more detailed annual return setting out how the grant has been used to this end. These returns will be analysed by public health England who will report their findings to the Secretary of State.
12. The transfer of the functions to local authority responsibility requires that Constitutional arrangements are in place for the exercise of those functions. As the functions are not designated as non-executive the legislation assumes that they are executive functions, this means they transfer directly to the Executive (Leader and Cabinet) to carry out. For the practical day to day operation of the functions they will need to be delegated to officers and the Director of Public Health has been identified as the relevant person for the delegation operating through the Director of People. This means that the powers can be exercised by the Director of People in the first instance, but will on a day to day basis be exercised on his behalf by the Director of Public Health (this mirrors the arrangements currently in place for Assistant Directors in relation to other functions).
13. The Cabinet will need to allocate the functions to one of its members as part of their portfolio, and it is proposed that given Health already sits within his remit that this would be Councillor Andy Scott. Similarly the Council will need to allocate the function to a Scrutiny Committee to carry out the Scrutiny function and for that purpose and for the changes to the Constitution a similar report will be referred to Council for approval. The proposed Scrutiny Committee which already has Health within its remit as part of its Scrutiny of Health function is the Health and Partnerships Scrutiny Committee. This committee will have the same rights of call-in etc as it has in relation to any other committee which extends its responsibilities in relation to Health. Decisions in relation to public health will have the same responsibilities as regards the forward plan, key decisions and urgent decisions which apply to all decisions of the executive.

## 14. Consultation

There has been no consultation in relation to this report.