

	<p>London Borough of Hammersmith & Fulham</p> <p>COUNCIL</p> <p>27 February 2013</p>
<p>TRANSFER OF PUBLIC HEALTH FUNCTIONS - OFFICER SCHEME OF DELEGATIONS AND OTHER MINOR CHANGES TO THE CONSTITUTION</p>	
<p>Report of the Monitoring Officer</p>	
<p>Open Report</p>	
<p>Classification: For Decision</p> <p>Key Decision: No</p>	
<p>Wards Affected: ALL</p>	
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1. EXECUTIVE SUMMARY

- 1.1 Cabinet on 15 October 2012 agreed the statutory transfer of public health functions to the authority from 1 April 2013 and the establishment of a single tri-borough Public Health service with Westminster City Council as lead authority. Both the Royal Borough of Kensington and Chelsea and Westminster City Council have concurred with this approach.
- 1.2 It is now necessary to embed the new public health functions into the existing Council structure. Part of that process requires the Tri Borough Director of Public Health to have sufficient officer delegated authority similar to those of other Chief Officers to carry out their duties on behalf of the Council. This report sets out the proposed delegations.
- 1.3 The report is seeking approval to changes to the Constitution to incorporate delegated powers to the Tri Borough Director of Public Health insofar as they relate to executive functions. Whilst most of these are executive functions there

may, from time to time, be non-executive functions contained within these duties which for the avoidance of doubt should be delegated by the full Council.

- 1.4 The report also informs Members of the minor changes made to the constitution by the Monitoring Officer in consultation with the Leader, Chief Whip and Opposition Whip since the last Council meeting.

2. RECOMMENDATIONS

- 2.1 That the amendment to the Constitution to incorporate the Schedule of Delegations attached as Appendix A for the Tri Borough Director of Public Health, be approved.
- 2.2 That the minor changes made to the constitution by the Monitoring Officer, be noted.

3. REASONS FOR DECISION

- 3.1 The proposed Tri Borough Director of Public Health Scheme of Delegations will ensure that the Council can correctly and legally exercise its powers and that decisions can be taken by officers on behalf of the Council.

4. BACKGROUND

Public Health

- 4.1 Many of the PCT's public health responsibilities will pass to local authorities from April 2013. The tri-borough councils have agreed to establish a single tri-borough public health service with a single Tri Borough Director of Public Health, Dr Melanie Smith. Westminster City Council will be the host organisation. Each council will receive a ring fenced public health grant with which to discharge its responsibilities in the three domains of public health:

- * Health improvement
- * Health protection
- * Public health advice to clinical commissioners

- 4.2 The provision of a Public Health Service will become a core local authority service. It is therefore necessary that it becomes integrated into the Council's services. With this in mind, it is proposed that the Tri Borough Director of Public Health will have the same common functions as delegated to other Chief Officers/Executive Directors. It also contains a proposed Schedule of Delegations which covers specific duties relating to the Statutory role of the Director of Public Health as attached at Appendix A.
- 4.3 The proposed Scheme of Delegations enables delegated functions to be sub-delegated to another Officer who may then exercise the function him or herself. Although the Tri Borough Director would retain the power to recall any matter for

decision, the Officer receiving the delegated function would be responsible for the exercise of that function. The Chief Officer would be able to authorise any member of staff to exercise the function on his or her behalf.

Update on Minor Changes Made to the Constitution

4.4 Council at its meeting held on 24 October 2012 approved that the Monitoring Officer, in consultation with the Leader, Chief Whip and Opposition Whip from time to time could make changes to constitution when necessary. Such changes made had to be reported to the next available Council meeting for information. Listed below are the changes made to the Constitution since the last Council meeting:-

- Amendment of Article 3 (Citizens and the Council) under paragraph. 3.02 *Citizens' responsibilities* to confirm the Council's commitment not to tolerate acts of violence, aggression or intimidation towards Members, and to take necessary measures to protect them.
- Incorporation into the Scheme of Delegation to the Executive Director of Environment, Leisure and Residents Services (delegation no. 31) responsibility for Member safety, and the power to make Applications for injunctions to prevent violence or the threat of violence and Applications for Anti-Social Behaviour Orders, subject to the agreement of the Anti-Social Behaviour Panel.
- Amendment of Article 3 (Citizens and the Council) under paragraph. 3.01(c) *Participation* to confirm that members of the public have the right to submit deputations to any Committee of the Council except Planning Applications Committee and Licensing Sub-Committee.

5. EQUALITY IMPLICATIONS

5.1 There are no equality implications as a result of this report.

6. FINANCE AND RESOURCES IMPLICATIONS

6.1 There are no financial implications arising from the proposals in this report.

7. LEGAL IMPLICATIONS

7.1 The power for local authorities to delegate functions to officers is contained in Section 101 of the Local Government Act 1972. The proposed Scheme of Delegations will ensure that the Council can correctly and legally exercise its powers and that decisions can be taken by officers on behalf of the Council.

8. RISK MANAGEMENT

8.1 There are no direct risk management implications as a result of this report.

9. PROCUREMENT AND IT STRATEGY IMPLICATIONS

9.1 There are no procurement or IT strategy implications as a result of this report.

LOCAL GOVERNMENT ACT 2000

LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of File/Copy	Department/Location
1	None		

LIST OF APPENDICES:

Appendix A – Delegated Authority to the Director of Public Health

APPENDIX A

DRAFT DELEGATED AUTHORITY TO THE TRI-BOROUGH DIRECTOR OF PUBLIC HEALTH

1. To be authorised to agree expenditure on relevant public health budgets subject to each Tri-Borough Council's constitution. Such authority can be delegated in writing to others.
2. To lead on personnel decisions, including recruitment, appraisal and disciplinary decisions, subject to the City of Westminster's internal procedures only.
3. To report to the Chief Executive and relevant Cabinet Councillors and relevant Scrutiny Committee. To provide policy advice, if requested, to any political party represented on any of the participating councils.
4. To exercise the statutory functions of the Director of Public Health. These responsibilities may be delegated in writing to named public health consultants in each borough.
5. To report to each Council's Chief Executive on the performance of the function and to support the accountability of the Chief Executive for grant expenditure.
6. To ensure that each participating authority has up-to-date plans, meeting statutory requirements and the demands of good practice.
7. To be the officer responsible for leadership, expertise and formal advice on all aspects of the Public Health Service.
8. To provide advice to the public in any period where local health protection advice is likely to be necessary or appropriate, in conjunction with each Council's communications team.
9. To promote action across the life course, working together with local authority colleagues such as the Executive Director of Children's Services and the Executive Director of Adult Social Care and with NHS colleagues.
10. To work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health.
11. To work with local criminal justice partners and Police and Crime Commissioners to promote safer communities.

12. To work with the wider civil society to engage local partners in fostering improved health and wellbeing.
13. To be an active member of the Health and Wellbeing Board, advising on and contributing to the development of joint strategic needs assessments and joint health and wellbeing strategies and commission appropriate services accordingly.
14. To take responsibility for the management of their authority's public health services with professional responsibility and accountability for their effectiveness, availability and value for money.
15. To play a full part in their authority's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children Board.
16. To contribute to and influence the work of NHS Commissioners, ensuring a whole system approach across the public sector.