

Title of Report:	Amendments to the Constitution: Articles of the Constitution (Article 6 – The Executive), Scheme of Delegation – Public Health and Executive Rules of Procedure – Health and Wellbeing Board
Report to be considered by:	Governance and Audit Committee
Date of Meeting:	8 July 2013
Forward Plan Ref:	GA2683

Purpose of Report:

1. To note that Article 6 of the Constitution (The Executive) and Paragraph 5.1.9 (Executive Rules of Procedure) have been updated to reflect the fact that the Health and Wellbeing Board is a Sub-Committee of the Executive.
2. To note the Council's Scheme of Delegation has been updated to reflect the new Public Health duties placed on the Council in accordance with the Health and Social Care Act 2012.

Recommended Action:

That Governance and Audit Committee note the changes made to the Articles of the Constitution, Scheme of Delegation and Executive Rules of Procedure as set out in this report.

Reason for decision to be taken:

To ensure that the Council's complies with its duties under the Health and Social Care Act 2012.

Other options considered:

N/A

Key background documentation:

Health and Social Care Act 2012

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- CSP1 – Caring for and protecting the vulnerable**
- CSP2 – Promoting a vibrant district**

The proposals contained in this report will help to achieve the above Council Strategy priorities by:

Ensuring that the Council has a robust decision making framework

Lead Member	
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Date Lead Member agreed report:	

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Implications

Policy:	This report has no direct policy implications.
Financial:	This report has no financial implications.
Personnel:	This report has no personnel implications.
Legal/Procurement:	This report accords with the Council's obligations to maintain an up to date Constitution.
Property:	This report has no property implications.
Risk Management:	There are no risks associated with this report.
Equalities Impact Assessment:	There are no equalities issues arising from this report.
Corporate Board's Recommendation:	Report to proceed to Management Board and Governance & Audit Committee for consideration.

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: X
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input checked="" type="checkbox"/>

Executive Summary and Report

1. Introduction

1.1 The Health and Social Care Act 2012 received Royal Assent on 27 March 2012. The Act introduced a number of reforms to the Health and Social Care arena including:

- (i) The transfer of commissioning responsibilities from Primary Care Trust's (PCT's) to the General Practitioner (GP) led Clinical Commissioning Groups (CCG's).
- (ii) The responsibility for strategic planning and commissioning of NHS Services transferring to the NHS Commissioning Board and locally based CCGs;
- (iii) Local Authorities (LA's) given a statutory duty and a ring fenced budget to improve and protect the health and wellbeing of their populations by delivering effective public health initiatives and programmes;
- (iv) Strategic Health Authorities (SHA's) and PCT's ceasing to exist beyond April 2013; and
- (v) A number of Commissioning Support Services (CSS) being established by the NHS Commissioning Board to provide the necessary skills and expertise to support local CCG's;

2. Public Health Responsibilities and Local Authorities

2.1 As part of the 2012 Act Local Authorities will take the lead for improving the health and co-ordinating local efforts to protect the public's health and well being and ensuring health services effectively promote population health. Local political leadership is seen to be central to making this work. Details of this Council's public health roles and responsibilities was set out in a report presented to the recent Annual Council meeting (item 13 refers).

2.2 The Annual Council meeting (14 May 2013) delegated to the Head of Strategic Support such changes as were required to be made to the Scheme of Delegation consequent upon the Council taking on the public health role.

3. Part 2 – Articles of the Constitution – Article 6 – The Executive

3.1 Attached to this report as Appendix A are the amendments which have been made to Part 2 – Articles of the Constitution (Article 6 – The Executive). This is in the format used for other changes to the Constitution.

4. Part 3 - Scheme of Delegation - Public Health

4.1 Attached to this report as Appendix B are the amendments which have been made to Part 3 - Scheme of Delegation linked to the Public Health functions. This is in the format used for other changes to the Constitution.

5. Part 5 - Executive Rules of Procedure - Health and Wellbeing Board

5.1 As part of this review changes have also been made to Part 5 Executive Rules of Procedure in relation to the Health and Wellbeing Board. Governance and Audit Committee will know that the Board has been set up as a Sub-Committee of the Executive and Appendix C reflects these changes too.

6. Equalities Impact Assessment Outcomes

6.1 There are no equality impacts associated with this report.

Appendices

Appendix A – Part 2 – Articles of the Constitution (Article 6 – The Executive)

Appendix B – Part 3 – Scheme of Delegation (Head of Public Health and Wellbeing)

Appendix C – Part 5 – Executive Rules of Procedure (How the Executive Operates)

Consultees

Local Stakeholders: N/A

Officers Consulted: Moira Fraser, David Holling and Corporate Board

Trade Union: N/A