

Report to: **Governance Committee**
Date: **28 April 2015**
By: **Director of Adult Social Care and Health**
Title of report: **Amendments to Constitution - statutory duties and powers of the post of the Director of Public Health**
Purpose of report: **To consider proposed amendments to the Constitution in relation to Public Health functions**

RECOMMENDATIONS

The Governance Committee is recommended to recommend the County Council to agree the amendments to the Constitution as set out in Appendix 1

1. Background

1.1 Responsibility for public health functions transferred to the Council in April 2013 under the Health and Social Care Act 2012. As part of the transition arrangements, specialist staff moved from the NHS to the County Council to establish a Public Health Team. The Public Health Team is managed by the Acting Director of Public Health who reports to the Director of Adult Social Care and Health. It is recommended that the statutory duties and powers of the post of Director of Public Health be set out in the Constitution.

1.2 Every local authority with public health responsibilities is required to employ a specialist Director of Public Health – appointed jointly with the Secretary of State for Health. This follows the return of a leading public health role to local government under the Health and Social Care Act 2012. The Director of Public Health is a statutory officer of the authority

1.3 In general the statutory responsibilities of the Director of Public Health are designed to match the corporate public health duties of the Council. The exception is the annual report on the health of the local population – the Director of Public Health has a duty to produce a report whereas the council has a duty to publish it.

1.4 The Director of Public Health has the following core statutory powers and responsibilities:

- Overall responsibility for all the Council's duties to take steps to improve public health
- Undertake any of the Secretary of State's public health protection or health improvement functions delegated to local authorities, either by arrangement or under regulations
- Plan for, and respond to, emergencies that present a risk to public health
- Undertake the Council's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders
- Responsible for the Council's response as a responsible authority under the Licensing Act 2003, including making representations about licensing applications (a function given to local authorities by sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the Health and Social Care Act 2012)

- Dental public health functions
- If the Council provides or commissions a maternity or child health clinic, then to have responsibility for providing Healthy Start vitamins
- To be a member of the Health and Wellbeing Board
- To produce an Annual Report

1.5 The proposed amendments to the Constitution are set out in Appendix 1.

2. Conclusion

2.1 The Governance Committee is recommended to recommend to the County Council the amendments to the Council's Constitution as set out in Appendix1.

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Table 6

Scheme of Delegations to Officers

Summary of Contents

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2. **Delegations to Chief Executive and all Directors (excluding the Director of Public Health) listed in paragraph 3 below**
 - A. Financial
 - B. Land and Property
 - C. Personnel
 - D. General
3. **Delegations to particular Officers**
 - A. Chief Executive
 - B. Chief Operating Officer
 - C. Director of Communities, Economy and Transport
 - D. Director of Children's Services
 - E. Director of Adult Social Care and Health
 - F. Assistant Chief Executive
 - G. Chief Finance Officer
 - H. Director of Public Health

Delegation of Powers to Chief Executive and all Directors

Within the provisions of the Standing Orders and Financial Regulations of the County Council the following powers are delegated to Chief Executive and all Directors (including the Assistant Chief Executive but excluding the Director of Public Health) in relation to the services for which they are responsible. All references in these delegations to Acts or Regulations are to include reference to legislation amending or re-enacting the same. The operation of these delegations is subject to Standing Orders, the Code of Conduct and this Constitution.

Any interpretation of this Scheme of Delegations to Officers shall be in accordance with the Council's and the Leader's wish that the scheme shall not be construed restrictively.

H. Director of Public Health

To exercise all the powers and duties of the Director of Public Health (DPH) as stated in the Health and Social Care Act 2012:

To be responsible for all of ESCC's duties to take steps to improve public health.

To be responsible for the preparation of an Annual Report on the health of the local population.

To action any of the Secretary of State's public health protection or health improvement functions as delegated, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the National Health Service 2006 Act, inserted by section 18 of the 2012 Act.

To exercise ESCC's functions in planning for, and responding to, emergencies that present a risk to public health.

To be responsible for the ESCC public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications (a function given to local authorities by sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the 2012 Act);

To exercise the Council's dental public health functions, with a view to improving oral health pursuant to the NHS Bodies and Local Authorities

If the local authority provides or commissions a maternity or child health clinic, then to have responsibility for providing Healthy Start vitamins (a function conferred on local authorities by the Healthy Start and Welfare Food Regulations 2005 as amended).

To be a member of the health and wellbeing board

To exercise such other public health functions as the Secretary of State may prescribe.