

**Agenda Item 11
Council – 19th March 2013**

**Recommendations from
Cabinet Member (Policy,
Leadership and Governance)
– 12th March 2013**

35. Transitions to Public Health and Constitutional Changes

The Cabinet Member considered a joint report of the Director of Finance and Legal Services and the Director of Public Health, which set out and sought approval of changes required in respect of public health and resultant constitutional changes.

The Health and Social Care Act 2012 received royal assent in March 2012 and would introduce major reforms of the NHS, public health and social care. Whilst some parts of the Act were already in force, most provisions would take effect on 1st April 2013. The transfer of public health functions to local authorities and the requirement to establish a Health and Wellbeing Board (the Board) meant that changes needed to be made to the Constitution and authority given to deal with the formal transfer of assets and liabilities from services which would cease to exist after 31st March 2013

The report indicated that, in particular, change would need to be considered in respect of the terms of reference, membership of, and voting rights for the Health and Wellbeing Board when it became operational on 1st April 2013; delegated powers for the Director of Public Health to enable her to carry out her statutory duties, as well as her functions as a member of the Council's Corporate Management Board; and other minor amendments to the Constitution, which needed to be in place before the new municipal year.

In addition, the Council needed to give delegated authority to the Council Solicitor to accept formally, the legal documents transferring staff and the legal title and legal right in assets and liabilities from the PCT to the Council.

The Cabinet Member was advised that regulations issued in February 2013, modified the operation of the usual rules for Council Committees when applied to the Board. This meant that the Council had some choices to make about the detailed governance and operation of the Board.

The Director of Community Services reported that, at paragraph 2.3.2 of the report, an amendment was required to the suggested membership, in that the GP Commissioning Consortium was now known as the Coventry and Rugby Clinical Commissioning Group.

The Cabinet Member noted that the Shadow Health and Wellbeing Board had considered this matter at their meeting on 11th March, 2013, along with the various choices available and a briefing note which set out their views and recommendations was tabled. In particular, the Shadow Board had recommended that:-

- i) The Health and Wellbeing Board should have the same terms of reference as the Shadow Board, until such time as it is in a position to review those terms of reference and make recommendations, and
- ii) The membership of the Health and Wellbeing Board should, for the time being, be the same as the membership for the Shadow Board, until such time as it reaches a view on whether the membership needs to be changed.

The Cabinet Member indicated that he would accept recommendation i), but felt that the proposals detailed ii) above were effectively dealt with within recommendation 1 of the report submitted and therefore did not agree to this proposal.

In addition, having considered the recommendations proposed within the report, the Cabinet Member indicated that the recommendations detailed at 2 and 4, should be deferred until the Health and Wellbeing Board had the opportunity to consider these matters further and put forward recommendations. He further indicated that, as Legislation had already established that Health and Wellbeing Boards were not required to be politically balanced, recommendation 3 of the report submitted should be withdrawn.

Finally, having considered the suggested delegated powers of the Director of Public Health set out at paragraph 3.3.3 of the report, the Cabinet Member recommended detailed changes to the scheme of delegations, as outlined in the Appendix to these minutes.

RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet Member recommends that the City Council:

- 1) Confirm the membership of the Health and Wellbeing Board as the membership set out in the table in paragraph 2.3.2 of the report, with effect from 1st April 2013, until the Annual Meeting of the Council in May 2013, when the final membership will be determined.**
- 2) Confirm the existing terms of reference of the shadow Health and Wellbeing Board as the terms of reference of the Health and Wellbeing Board with effect from 1st April 2013, until the Annual Meeting of the Council in May 2013, when the final terms of reference will be determined.**
- 3) Approve changes to the Constitution as set out in sections 3.3 and 3.4 of the report submitted, including the amendments to the delegated powers of the Director of Public Health as detailed in the Appendix attached to these minutes**

- 4) **Delegate authority to the Council Solicitor to:**
 - a) **Make any necessary changes to the Constitution set out in sections 3.3 and 3.4 arising from these Recommendations including the amendments to the delegated powers of the Director of Public Health shown in the Appendix to these minutes.**
 - b) **Accept formally the legal documents transferring staff and the legal title and legal rights in assets and liabilities and be appointed to sign the legal documents and seal the legal documents.**
- 5) **Defer consideration of recommendations 2 and 4 of the report submitted until such time as the Health and Wellbeing Board have considered the matters further and have submitted recommendations.**
- 6) **Withdraw recommendation 3 of the report submitted on the basis that this issue is addressed within Legislation.**