



Full Council
25 February 2013

**Report from Director of Legal and
Procurement**

For Action

Wards affected
All

**Transfer of Public Health Functions – changes to the
constitution**

1.0 Summary

- 1.1 To amend the Constitution in accordance with the statutory requirements to appoint a Director of Public Health and to provide for the new Public Health functions.

2.0 Recommendation

- 2.1 To agree the Constitutional changes resulting from the transfer of public health functions from the National Health Service to the Council as shown in **Appendix A**.

3.0 Details

- 3.1 Section 30 of the Health and Social Care Act 2012 (“HSCA”) amends the National Health Service Act 2006 (“NHSA”) and provides that each local authority must appoint a Director of Public Health who will have responsibility for the exercise by the local authority of its functions relating to public health. The Director of Public Health is therefore a Statutory Chief Officer. The Director of Public Health will be required to prepare an annual report on the health of the people in the local authority’s area (Section 73B NHSA) which the council must publish. The HSCA also sets out a number of other statutory duties and responsibilities of the Director of Public Health and these are identified in general terms within the proposed changes to the Constitution.
- 3.2 The Council must act jointly with the Secretary of State in the appointment of the Director of Public Health. Statutory guidance sets out the process for recruitment and appointment. The Council must also consult the Secretary of State before terminating any appointment. Standing Orders relating to staff have been amended accordingly.
- 3.3 The public health functions are to be carried out within existing Council departments.

4.0 Financial Implications

None.

5.0 Legal Implications

The legal implications are included in the body of this report.

6.0 Diversity Implications

None

Background Papers:

Brent Council Constitution
Executive report dated 12 November 2012

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