

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Cabinet **DATE:** 18<sup>th</sup> November 2013

**CONTACT OFFICER:** Jane Wood, Strategic Director of Wellbeing  
**(For all enquiries)** 01753 875751

**WARD(S):** All

**PORTFOLIO:** Health & Wellbeing – Councillor Walsh

### **PART I** **KEY DECISION**

#### **DELEGATION OF PROCUREMENT FUNCTION FOR PUBLIC HEALTH**

##### **1. Purpose of Report**

The Council entered into a joint agreement with the unitary authorities in Berkshire to deliver public health functions transferred to local government under the Health & Social Care Act 2012. This report sets out the current position regarding the agreement and seeks approval to delegate authority to vary the Agreement and to jointly procure public health shared services and contracts across Berkshire.

##### **2. Recommendation**

The Cabinet is requested to resolve:

- (a) That authority be delegated to the Strategic Director for Wellbeing, following consultation with the Commissioner for Health & Wellbeing, to negotiate and conclude amendments to the inter-authority Public Health agreement dated 28<sup>th</sup> March 2013 to provide for the administration, management and operation of future contracts for which joint procurement has been agreed.
- (b) That authority be delegated to the Strategic Director for Wellbeing to arrange for the delivery of joint procurements with the other Berkshire unitary authorities through the Strategic Director of Public Health for the future provision of joint public health services and or contracts.

##### **3. Slough Wellbeing Strategy Priorities**

3.1 The public health function is key to the delivery of improved outcomes for local residents and to the delivery of priority objectives set out in the Slough Wellbeing Strategy. The Agreement will contribute to the following priorities:

- Economy & Skills
- Health & Wellbeing
- Regeneration & Environment
- Housing

- Safer Communities

3.2 Joint Strategic Needs Assessment (JSNA) – strategic priority setting to improve wellbeing outcomes for Slough residents is underpinned by the evidence detailed in the JSNA. With the transfer of Public Health responsibilities to the Council there will be a legal requirement upon the Council to compile and publish a JSNA and evidence that the Council's plans and strategies are informed by information contained with the JSNA.

#### **4. Other Implications**

##### **(a) Financial**

There are no financial implications arising from the delegation of authority.

##### **(b) Human Rights Act and Other Legal Implications**

The Local Government Act 1972 (s 113) allows a local authority to enter into an agreement with another authority to place its officers at the disposal of the other authority. Staff who are made available under such an arrangement are able to take binding decisions on behalf of the body at whose disposal they are placed, although they remain an employee of their original authority for employment purposes. This enables the Strategic Director of Public Health based at Bracknell, to act for this and other Berkshire Councils.

The Local Authority (Goods and Services Act) 1970 enables one local authority to enter into an agreement to provide another local authority with the services of any of its staff, including administrative, professional or technical, provided it first has regard to whether doing so will be likely to promote or improve the well-being of either their area or persons within that area. This has enabled the inter authority agreement to be entered into and to be amended.

There are no Human Rights Act implications arising from this report.

#### **5. Supporting Information**

5.1 The Cabinet considered a report on the Public Health Shared Agreement on 11<sup>th</sup> March 2013 which set out the arrangements for the delivery of public health functions transferred from the NHS to local government from 1<sup>st</sup> April 2013 under the Health & Social Care Act 2012.

5.2 Berkshire public health functions are split into complimentary arrangements. Some are provided by the jointly appointed strategic director and the central hub team, hosted by Bracknell Forest, whilst others are provided by the local teams based at each local Authority.

5.3 The six unitary authorities in Berkshire have agreed that the Director of Public Health has responsibility for the health functions of all six authorities. Bracknell Forest Borough Council acts as the host authority and employs the Director of Public Health, Dr Lise Llewellyn who has been placed at the disposal of each of the unitary authorities so that she may discharge the functions of the Director of Public Health on behalf of each of them.

- 5.4 The agreement, dated 28<sup>th</sup> March 2013, requires amendments to provide for the administration, management and operation of future contracts for which joint procurement has been agreed.

**6. Conclusion**

- 6.1 To facilitate the joint procurement of public health contracts across the six Berkshire authorities, the Cabinet are asked to delegate the procurement functions and amend the Public Health agreement.

**7. Appendices Attached**

None.

**8. Background Papers**

Cabinet report, addendum and minutes on 'Public Health Shared Agreement', 11<sup>th</sup> March 2013.

<http://www.slough.gov.uk/moderngov/ieListDocuments.aspx?CId=109&MId=4705&Ver=4>