



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

30 NOVEMBER 2022

Report of the Director of Legal and Democratic Services and Monitoring Officer

Minor Change to the Constitution: Amendment to the Powers Delegated to the Director of Public Health

1. Purpose

- 1.1 To ask the Council to note an additional delegation to the Director of Public Health which has been included in the Constitution.

2. Information and Analysis

- 2.1 On 10th February 2022, Cabinet approved a recommendation for the authority to authorise the reimbursement of stop smoking pharmacotherapy products available on prescription only from the financial year 2023-24 onwards to be delegated to the Director of Public Health. Cabinet has authorised this spend on an annual basis since 2016. However, given that Public Health has a budget for this spend and the amount allocated has to date, not been exceeded, in the interest of administrative efficiency, Cabinet determined that authority to agree further reimbursement should be delegated to the Director of Public Health.
- 2.2 In accordance with paragraph 2 of Article 22 of the Constitution – Review and Revision of the Constitution, the Monitoring Officer is authorised to make changes to the Constitution which are required to be made so as to put into effect any decision of the Cabinet, Cabinet Member,

Committee, sub-Committee or officer exercising delegated powers. The Monitoring Officer received a report on 22nd September 2022 and approved the making of the amendments. A copy of the Report and Officer Decision Record is attached at Appendix 2.

- 2.3 Any such amendments must be reported retrospectively to the Governance, Ethics and Standards Committee and to Full Council for noting. This amendment was reported to and noted by the Governance Ethics and Standards Committee on 20th October 2022.

3. Consultation

- 3.1 None required.

4. Alternative Options Considered

- 4.1 Not to report the amendment to Council, however this would not be in compliance with the Constitution. This is a report provided for information in order to fulfil the requirements of Article 22 to retrospectively report any amendments made to the Constitution by the Monitoring Officer.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 Report to Cabinet of 10th February 2022 – Reimbursement of stop smoking pharmacotherapy cost
<https://democracy.derbyshire.gov.uk/documents/s12764/Reimbursement%20of%20stop%20smoking%20pharmacotherapy%20cost.pdf>
- 6.2 Report to Governance Ethics and Standards Committee of 20th October 2022 – Minor Change to the Constitution: Amendment to the Powers Delegated to the Director of Public Health
<https://democracy.derbyshire.gov.uk/documents/s16968/Amendments%20to%20the%20Constitution.pdf>

7. Appendices

- 7.1 Appendix 1 – Implications
Appendix 2 – Report to the Monitoring Officer and Officer Decision Record

8. Recommendation(s)

That Council notes the additional delegation to the Director of Public Health which has been included in the Constitution by the Monitoring Officer under delegated powers.

9. Reasons for Recommendation(s)

- 9.1 That Council is required to be retrospectively notified of any amendments made to the Constitution by the Monitoring Officer in order to fulfil the requirements of Article 22.

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Implications

Financial

- 1.1 There are no significant implications for the Council as this does not involve any expenditure or budgetary changes.

Legal

- 2.1 As described within the report.

Human Resources

- 3.1 This is an administrative decision and as such, there are no Human Resources implications.

Information Technology

- 4.1 This is an administrative decision and as such, there are no Information Technology implications.

Equalities Impact

- 5.1 This is an administrative decision and as such, there are no Equalities implications.

Corporate objectives and priorities for change

- 6.1 This links to the Council Priority of High Performing Value for Money and Resident Focused Services. The changes proposed will enable efficient and up to date functioning of the Council as a corporate body.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None.