



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

**REPORT TO THE MONITORING OFFICER AND DIRECTOR OF LEGAL
AND DEMOCRATIC SERVICES**

3rd October 2022

Report of the Principal Solicitor

**Minor change to the Constitution: Amendments to the Powers Delegated
to the Director of Public Health**

1. Divisions Affected

1.1 County- wide

2. Key Decision

2.1 This is not a key decision

3. Purpose

3.1 To seek approval to the additional delegation to the Director of Public Health to be included in the Constitution.

4. Information and Analysis

4.1 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.

- 4.2 It is therefore proposed to add the following as an additional delegation to the specific delegations to the Director of Public Health in Appendix 1 of the Constitution:

“7. To authorise the reimbursement of the cost of stop smoking pharmacotherapy products available on prescription only in accordance with the allocated budget.”

- 4.2 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.

- 4.3 Any such amendments must be reported retrospectively to the Governance, Ethics and Standards Committee and to Full Council for noting.

5. Consultation

- 5.1 Not applicable

6. Alternative Options Considered

- 6.1 Not to include the additional delegations to the Director of Public Health within the Constitution would not reflect the decisions made by Cabinet. Therefore not amending the Constitution to include these delegations would not be appropriate.

7. Implications

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

8. Background Papers

- 8.1 None identified

9. Appendices

9.1 Appendix 1- Implications.

10. Recommendation(s)

That the Monitoring Officer and Director of Legal and Democratic Services agrees to:

- a) Include the delegation detailed above to the Director of Public Health within the Constitution; and
- b) report the amendment to the Governance, Ethics and Standards Committee and full Council for noting.

11. Reasons for Recommendation(s)

11.1 To ensure that the relevant part of the Council's Constitution remains accurate and current.

12. Is it necessary to waive the call in period?

12.1 No

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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