

**SPECIAL MEETING OF THE HEALTH AND ADULT SOCIAL CARE SCRUTINY
COMMITTEE**

Thursday, 5th April, 2012 at 6.00 p.m.
in Committee Room 2 at the Council House, Dudley

PRESENT:-

Councillor Mrs Ridney (Chairman)
Councillor J D Davies (Vice-Chairman)
Councillors Mrs Aston, Barlow, K Finch, Mrs Harley, Ms Harris, Miller and C Wilson

Officers

Assistant Director of Law and Governance (Lead Officer to the Committee), Scrutiny Officer and Mrs M Johal (Directorate of Corporate Resources)

Also in Attendance (by invitation)

Councillor L Jones (Leader)
Councillor Vickers (Cabinet Member for Adult and Community Services)
The Chief Executive
Director of Adult, Community and Housing Services

67 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Ms A Hill, LINK Co-optee.

68 **DECLARATIONS OF INTEREST**

No Member made a declaration of interest in respect of any matter to be considered at this meeting.

69 **CALL-IN OF DECISIONS OF THE CABINET REGARDING THE HEALTH AND SOCIAL CARE BILL AND ITS IMPLICATIONS FOR DUDLEY MBC**

A report of the Lead Officer to the Committee was submitted on the call-in of the decisions of the Cabinet on proposed changes to the National Health Service (NHS) and Public Health systems set out in the 'Equity and Excellence' White Paper and the implications for Dudley MBC. The decision had subsequently been called-in for scrutiny at the request of the Chairman of the Health and Adult Social Care Scrutiny Committee, in accordance with the Scrutiny Committee Procedure Rules, as set out in the Council's Constitution. A copy of the report submitted to Cabinet on 24th March, 2012 had been attached as an appendix to the report submitted to the meeting by the Lead Officer to the Committee. Members had also received a copy

of the background and introductory statement by the Chief Executive and responses to Members' questions, prior notice of which had been given in accordance with the Scrutiny Protocol for Scrutiny Committees, as set out in the Council's Constitution.

Accordingly, this special meeting of the Committee had been arranged to scrutinise the following decisions of the Cabinet:-

- “(1) That Public Health be located within the Directorate of Adult, Community and Housing Services and that the arrangements for ensuring that Public Health be delivered on a corporate basis, as set out in the report now submitted, be approved.
- (2) That the Chief Executive, in consultation with the Leader of the Council, the Cabinet Member for Adult and Community Services and the Leader of the Opposition Group, be authorised to determine whether there should be a joint or single appointment of the Director of Public Health and then make appropriate arrangements for the appointment through the Appointments Committee.”

In her opening remarks the Chairman stated that the questions and answers as contained in the report submitted should be taken as read and that there was no need to read them out verbatim. The Lead Officer to the Committee then outlined the procedure to be followed at the meeting and presented his report giving the background to the key issues to be addressed by the Committee.

The Leader of the Council then addressed the Committee and elaborated upon the background and introductory statement and on the responses to Members' questions as contained in the report. In so doing, he defended the decisions made by Cabinet and stated that a thorough involved discussion had taken place. He also informed the meeting that consideration had been given to the number of staff expected to transfer to the Local Authority together with the indicative budget and it had been considered that there was no justification in there being a stand alone Directorate and that it had been deemed appropriate and correct for Public Health to be placed in the Directorate of Adult, Community and Housing Services.

The Committee then asked supplementary questions which included, that it appeared premature to consider structures at this moment in time as the Secretary of State had not as yet issued any guidelines, how long had negotiations been ongoing with Sandwell and what were the reasons for not accepting recommendations from the Chief Executive of the Black Country Primary Care Trust Cluster and the Regional Director of Public Health in that their view was that Local Authorities should have their own Director of Public Health.

In responding the Leader of the Council and the Chief Executive stated that there were a number of Local Authorities that had already started the process and were well ahead and that Wolverhampton City Council had commenced in December and that Birmingham City Council were advertising for the position of the Director of Public Health. The processes that had been followed had mainly been by taking into account Public Health Guidance that sets out the model and appointment process. It was further stated that it was a difficult year ahead in terms of

administering and integrating Public Health into the Local Authority and it was vital for an appointment for a Director of Public Health to be made at its earliest opportunity to enable the post holder to initiate and be part of the arrangements for the integration. Negotiations had been ongoing with Sandwell over the past six months and detailed discussions had taken place since February of this year.

The Chairman suggested that a briefing/Seminar be arranged for all Members of the Council to enable them to have a fuller understanding of the issues involved. In responding the Leader of the Council indicated that he would ensure that a Seminar or briefing would be arranged for Members of the Council when further progress had been made and additional information was available.

At the conclusion of the detailed consideration and discussion on the questions and answers submitted in advance of the meeting together with supplementary questions raised at the meeting, the Leader of the Council and the Chief Executive made brief final statements to the Committee. The Chairman thanked the Leader of the Council, the Chief Executive, the Cabinet Member for Adult Community and Housing Services and the Director of Adult and Community Services for attending and at this juncture asked them to withdraw from the meeting.

The Committee were then invited to deliberate and consider its decision, and in doing so, comments made by Members included that Sandwell Council would be considering the report to their Cabinet the following week and it was considered that the issue should be deferred pending the outcome, that Public Health would be better located in the Chief Executive's Directorate, that it still did not appear to be clear as to why recommendations for a single Director of Public Health had been ignored and that it was disappointing that formal discussions had not been held with the Clinical Commissioning Groups for both Local Authorities.

At the conclusion of the Committee's deliberations, and taking account of the facts, opinions, responses and comments submitted at the meeting, the motion was put to the vote and it was:-

RESOLVED

That the decision of the Cabinet be upheld and the decision be not referred back.

As some Members did not agree with the conclusions reached by the majority, as set out in the resolution above, provision was made for a minority report pursuant to the Scrutiny Protocol for Scrutiny Committees in the Council's Constitution. The minority report would be attached as an Appendix to these minutes.

The meeting ended at 7.30 p.m.

CHAIRMAN

HASCSC/37