



<u>Committee and Date</u>
Council
23 rd February 2012

<u>Item</u>
17
<u>Public</u>

ARRANGEMENTS FOR THE APPOINTMENT OF PROPER OFFICERS PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984 AND HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010

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1. Summary

- 1.1 To update the constitution and arrangements for appointment of Proper Officers following significant alterations made to the Public Health (Control of Disease) Act 1984 in 2010 which affect existing schemes of delegations.

2. Recommendations

That Council:

- 2.1 Delegates powers to the Group Manager Public Protection and Enforcement to appoint Proper Officers under the Public Health (Control of Disease) Act 1984 and supporting regulations.
- 2.2 Amends the Constitution to include:
- Public Health (Control of Disease) Act 1984 as amended
 - Health Protection (Notification) Regulations 2010
 - Health Protection (Local Authority Powers) Regulations 2010 and
 - Health Protection (Part 2A Orders) Regulations 2010
- in the schedule of Public Protection legislation.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 In order to deliver timely and effective public protection, local authority powers need to be delegated to officers. As a consequence of the legislative amendments, the Authority needs to update its authorisations, appointments and delegated powers.

3.2 The delegations will assist officers to work in partnership with the Health Protection Agency to manage risks to public health.

4. Financial Implications

4.1 There are no financial implications associated with the proposed amendment to the constitution.

5. Background

5.1 The Council has statutory duties for controlling risks to public health arising from communicable diseases and other public health threats and must appoint a Proper Officer to undertake key functions. The Health Protection Agency (HPA) provides the expertise to support local authorities in these functions and HPA officers are generally appointed as the Proper Officer.

5.2 A major review of health protection legislation has recently been undertaken, by the Government, to ensure controls reflect new and emerging health threats. This review resulted in amendment of the *Public Health (Control of Disease) Act 1984* and the introduction of new supporting regulations the *Health Protection (Notification) Regulations 2010*, the *Health Protection (Local Authority Powers) Regulations 2010* and the *Health Protection (Part 2A Orders) Regulations 2010*.

5.3 This updated health protection legislation gives local authorities modernised powers and duties to protect public health against modern-day and emerging threats more effectively. The updated legislation adopts an 'all-hazards' approach and provides the Council with the necessary powers to control human health risks arising from infection or contamination of any form including chemicals and radiation.

5.4 The Proper Officer appointed under the Public Health (Control of Disease) Act 1984 should be medically qualified. The main responsibility of the Proper Officer is to require information or action in relation to people, premises or objects which may be infected, contaminated or could otherwise affect health.

5.5 The delegation to the Group Manager will allow flexibility to appoint Proper Officers as necessary. Following consultation with the HPA it is proposed to appoint any person employed as a Consultant in Communicable Disease Control / Consultant in Health Protection at the West Midlands North Health Protection Unit of the Health Protection Agency and all consultants on the West Midlands North "out of hours" rota.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Department of Health Health Protection Legislation Guidance 2010

Cabinet Member (Portfolio Holder)

Councillor Steve Charmley

Local Member

All

Appendices

None