



East Northamptonshire Council

Policy and Resources Committee - 13 July 2009

Proper Officers - Health Protection Agency

Summary

This report seeks authorisation of new Proper Officers for Infectious Disease Control and to amend the Constitution to allow future substitutions of Proper Officers for Infectious Disease Control without the need for a report to Committee

Attachment(s)

Appendices 1 & 2

1.0 Introduction

1.1 The legislation controlling infectious diseases requires the Council as the Regulatory Authority to appoint Proper Officers to exercise the powers in the legislation. It is a further requirement of the legislation that the proper officers are medically qualified. This is in addition to the inspection and investigation work carried out by our Officers.

2.0 Appointment

2.1 Since the formation of the national Health Protection Agency (HPA) the proper officer function of local authorities has been delegated to the medical staff of the relevant Region or sub region of the HPA. For Northamptonshire, the Proper Officers are based in the sub regional office covering Leicestershire and Northamptonshire (LNA).

2.2 The purpose of this report is to appoint the officers currently employed in the LNA office of the HPA as the Proper Officers for East Northamptonshire Council to exercise the relevant powers. A list of the powers and of the officers to be appointed is contained in Appendix 1.

3.0 Constitution

3.1 Because the staff at HPA are regularly changing it would save repeated reports to this Committee if the Constitution is altered to remove the named officers and to incorporate a general appointment as shown in Appendix 2. The HPA Officers are also required to carry written authority and the means of doing so would be for the Council to delegate the authorisation of Proper Officers to the Head of Environmental Services on the recommendation of the HPA.

3.2 The existing scheme of delegation currently delegates responsibility under section 47 of the National Assistance Act 1948 to the HPA. The HPA does not now wish to have its staff appointed for this purpose. This is a rarely used power but in future the power will not be delegated and it will be exercised by this Committee.

4.0 Recommendations

4.1 It is recommended –

(1) That the Consultants in Health Protection listed in Appendix 1 be appointed as Proper Officers for the legislation listed in Appendix 1

4.2 (2) That the clause in the Constitution relating to the Appointment of Proper Officers

for infectious disease control be altered as detailed in Appendix 2 to delegate the power of authorisation to the Head of Environmental Services on recommendation by the Health Protection Agency.

| Implications: | |
|---|--|
| Corporate Outcomes or Other Policy/Priority/Strategy | |
| Good Quality of Life | <input checked="" type="checkbox"/> Good Reputation <input type="checkbox"/> |
| Good Value for Money | <input type="checkbox"/> High Quality Service Delivery <input type="checkbox"/> |
| Effective Partnership Working | <input checked="" type="checkbox"/> Strong Community Leadership <input type="checkbox"/> |
| Effective Management | <input type="checkbox"/> Knowledge of our Customers and Communities <input type="checkbox"/> |
| Employees and Members with the Right Knowledge, Skills and Behaviours | <input type="checkbox"/> |
| Other: | <input type="checkbox"/> |
| Decision(s) would be outside the budget or policy framework and require full Council approval | <input checked="" type="checkbox"/> |
| Financial | There are no financial implications at this stage <input checked="" type="checkbox"/> |
| | There will be financial implications – see paragraph <input type="checkbox"/> |
| | There is provision within existing budget <input type="checkbox"/> |
| | Decisions may give rise to additional expenditure at a later date <input type="checkbox"/> |
| | Decisions may have potential for income generation <input type="checkbox"/> |
| Risk Management | An assessment has been carried out and there are no material risks <input checked="" type="checkbox"/> |
| | Material risks exist and these are recorded at Risk Register Reference - inherent risk score - <input type="checkbox"/> residual risk score - <input type="checkbox"/> |
| Staff | There are no additional staffing implications <input checked="" type="checkbox"/> |
| | Additional staff will be required – see paragraph <input type="checkbox"/> |
| Equalities and Human Rights | There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications <input checked="" type="checkbox"/> |
| | There will be an impact on equality (see categories above) or human rights implications – see paragraph <input type="checkbox"/> |
| Legal | Power: Public Health (Control of Disease) Act 1984 Public Health (Infectious Diseases) Regulations 1988 Public Health Act 1936 Public Health Act 1961 |
| | Other considerations: |
| Background Papers: Council's Constitution | |
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| Date: 1 June 2009 | |
| CFO | MO |
| | CX |

(Committee Report Normal Rev. 19)

Appendix 1

a) List of Proper Officer functions that may be delegated by Local Authorities to employees of the Health Protection Agency

| Legislation | Section of Regulations | Effect |
|--|--|--|
| Public Health (Control of Disease) Act 1984 | Sections 11, 18, 20, 21, 22, 24, 29, 31, 32,36, 38,40, 42, 43 and 48 | Notification and control powers for Communicable Diseases |
| Public Health (Infectious Diseases) Regulations 1988 | Regulations 6, 8, 9, 10 Schedules 3 and 4 | Additional Powers to the above |
| Public Health Act 1936 | Sections 84 and 85 | Cleansing of filthy or verminous articles, persons or clothing |
| Public Health Act 1961 | Section 37 | Disinfestations of verminous articles offered for sale |

b) List of Proper Officers Appointed by East Northamptonshire Council to exercise these powers.

The Consultants in Health Protection below, based in the East Midlands are appointed as Proper Officers.

Dr Philip Monk
Dr Deborah Modha
Dr Nachi Arunachalam
Mrs Cathy Mallaghan

Appendix 2 -Current delegations for Proper Officer in the Constitution

Infectious Disease Control

Doctors P Monk, D Modha, Glencross, and Mrs K Mallagan and Prof. S Horsley authorised to act as Proper Officers for various control of disease functions under the following legislation (28.4.03)

Public Health (Control of Disease) Act 1984

Sections 11, 18, 20, 21, 22, 24, 29, 31, 32, 36, 40, 42, 43 and 48.

Notification of Infectious Diseases.

Control of Infectious Articles.

Disinfection of Persons and Premises.

Medical Examination.

Closure of Common Lodging Houses.

Disposal of Infected Bodies.

Public Health (Infectious Diseases) Regulations 1988

Reports on Infectious Diseases.

Immunisations and Vaccinations in the public interest to prevent the spread of disease.

National Assistance Act 1948 - Section 47

Section 47 as amended by the National Assistance Act 1951

Removal to suitable premises of persons in need of care and attention.

Appointment as Proper Officer for all purposes and functions where the legislation gives a power to, or places a duty on, the "Medical Officer of Health".

Nomination as the Registered Medical Practitioner for the purposes of Section 35 of the above 1984 Act – Medical Examination of persons suspected to be infectious.

Appointed as an Authorised Officer for the Purposes of Sections 50 and 61 of the above 1984 Act.

Power to inspect premises including canal boats for infectious persons.

Authorisation to Act for the Local Authority for the Purposes of Schedules 3 and 4 to the above 1988 Regulations under the specific powers given by paragraph 3 of Schedule 3 and paragraph 3 of Schedule 4 of the Regulations.

Recommended delegation

That the Head of Environmental Services is Authorised to appoint Proper Officers to exercise the powers contained in

| Legislation | Section of Regulations | Effect |
|--|--|--|
| Public Health (Control of Disease) Act 1984 | Sections 11, 18, 20, 21, 22, 24, 29, 31, 32,36, 38,40, 42, 43 and 48 | Notification and control powers for Communicable Diseases |
| Public Health (Infectious Diseases) Regulations 1988 | Regulations 6, 8, 9, 10 Schedules 3 and 4 | Additional Powers to the above |
| Public Health Act 1936 | Sections 84 and 85 | Cleansing of filthy or verminous articles, persons or clothing |
| Public Health Act 1961 | Section 37 | Disinfestations of verminous articles offered for sale |

Subject to the appointees being the Consultants in Health Protection based in the East Midlands and approved by the Health Protection Agency.