

## **Appointment of Proper Officer**

**Executive 27/01/09**

**Item 9**

**EXECUTIVE MEMBER:** Cllr George Clements  
**LEAD OFFICER:** Cath Coombs, Acting Head of Leisure and Environmental Services  
**REPORT AUTHOR:** Jackie O'Reilly, Environmental Health Manager

### **Summary and Recommendation:**

The report provides details of proper officer arrangements with the Health Protection Agency and Cumbria Primary Care Trust for Public Health Act and National Assistance Act 1948.

The recommendations are:

1. That the Executive recommends to Full Council the appointment of seven consultant level staff of Cumbria and Lancashire Health Protection Unit named in the report as Proper Officers under Public Health (Control of Diseases) Act 1984
2. The Executive recommends to Full Council that specified named staff of Cumbria Primary Care Trust are appointed as the Proper Officers under National Assistance Act 1948

## **1. INTRODUCTION**

- 1.1 A number of organisational, legislative and personnel changes involving the Health Protection Agency and the National Health Service have been made recently which makes it important to update arrangements for Proper Officer functions for local authorities in Cumbria and Lancashire.
- 1.2 The Proper Officer is appointed by the local authority and local authorities are required to appoint Proper Officers for these functions at a formal Council meeting. The arrangements date to a time when these functions were carried out by local authorities, i.e. before the re-organisation of local government in 1974. With succeeding reorganisations within the Health Service delivery of the Proper Officer function has moved from organisation to organisation.
- 1.3 The Health Protection Act 2004 established the Health Protection Agency as a national non-governmental public body with broad responsibilities for protecting public health. A subsequent consultation between the Health Protection Agency and the National Health Service has agreed that the Health Protection Agency will provide Proper Officers for the Public Health (Control of Disease) Act 1984 functions.

- 1.4 Many health protection duties and requirements fall to local authorities rather than to the Health Protection Agency or Primary Care Trust.
- 1.5 The Chief Executive from the Director of the Cumbria and Lancashire Health Protection Unit has advised that each of the local authorities appoints the seven consultant level staff in the unit as Proper Officers under the Public Health (Control of Disease) Act 1984.
- 1.6 The proposal is based on the understanding that the nominated consultant will be the main contact for any enquiries, but that other consultants would be available to provide cover out of hours and for holidays, sickness or staff vacancies.
- 1.7 Responsibilities of the Proper Officer under the Public Health (Control of Disease) Act 1984

Section 11	Being told about cases of notifiable disease or food poisoning.
Section 18	Getting information about cases of notifiable disease or food poisoning.
Section 20	Stopping of work to prevent disease spreading.
Section 21	Excluding children from school if they are likely to carry a notifiable disease.
Section 22	Asking for the names and addresses of pupils at a school or department of a school.
Section 35 and 36	Issuing certificates to get an order to examine people believed to be carrying notifiable diseases.
Section 37	Removal to hospital of a person with notifiable disease.
Section 38	Detention in hospital of a person with notifiable disease.
Section 40	Getting a warrant to examine residents of a common lodging house.
Section 42	Certifying a common lodging house to be free from infection.
Section 43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except to be taken to a mortuary or immediately buried or cremated.
Section 48	Certifying that it would be a health risk to keep a body in a building.

Section 59	Authorising documents under this Act on behalf of the authority.
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1.8 Responsibilities of the Proper Officer under the National Assistance Act 1948

Section 47	Certify that an individual is suffering from a [grave chronic disease] and or is [aged, infirm], [physically incapacitated] [living in insanitary conditions] and is unable to devote to himself/herself and is not receiving from other persons proper care and attention
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1.9 Proper Officer for Public Health (Control of Disease) Act 1984 – it is proposed that there will be a named Consultant for Communicable Disease Control (CCDC) to act as Proper Officer for each local authority with other Health Protection Agency staff named as alternative Proper Officers:

Local Authorities	Nominated Proper Officer	Alternative Proper Officers
Carlisle, Eden, Allerdale, Copeland, South Lakeland, Barrow	Sohail Ashraf	Steven Gee, John Astbury, Stephen Morton, Kenneth Lamden, Kate Brierly, Jeff Scott

1.10 Proper Officer for National Assistance Act 1948 - it is proposed that the proper officer will be the Director of Public Health with other Public Health staff named as alternative proper officers

Local Authorities	Nominated Proper Officer	Alternative Proper Officers
Carlisle, Eden, Allerdale, Copeland, South Lakeland, Barrow	Dr John Ashton	Dr Nigel Calvert

## 2. RISKS AND MITIGATIONS

The appointment of consultant level staff of the Health Protection Unit carries no risk management implications. However, there would be a significant risk to the reputation of the Council if Proper Officers were not appointed by the Council.

### **3. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS (INCLUDING SOURCES OF FINANCE)**

There are no financial and human resource implications.

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#### **List of Appendices**

None

#### **List of Background Documents:**

Letter to the Chief Executive from Dr Stephen Morton, Director of Cumbria and Lancashire HPU

#### **List of Consultees:**

Councillor George Clements  
Corporate Team

#### **CHECKLIST FOR DEALING WITH KEY ISSUES**

Please confirm against the issue if the key issues below have been addressed.

This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	None
Impact on Sustainability	None
Impact on Rural Proofing	None
Health and Safety Implications	None
Impact on Equality and Diversity Issues	None
Children and Young Persons Implications	None
Human Rights Act Implications	None
Section 151 Officer Comments	None
Monitoring Officer Comments	To be recommended to Full Council