APPOINTMENT OF ALTERNATE PROPER OFFICER

1. Purpose of Report

1.1 The purpose of the report is:

- To appoint Dr Jane Salmon as one of the Local Authority's Alternate Proper Officers under the Public Health (Control of Disease) Act 1984, the Public Health (Infectious Diseases) Regulations 1988, the National Assistance Act 1948, Section 47, and the National Assistance (Amendment) Act 1951.

- To confirm the current panel of Proper Officer and Alternate Proper Officers for the functions described above.

- To specify and delegate to the Proper Officer and Alternate Proper Officers the powers under the Public Health (Control of Disease) Act 1984 and the Public Health (Infectious Diseases) Regulation 1988.

2. Connection to Corporate Improvement Plan/Other Corporate Priority

2.1 The control of disease in the community has clear linkage to the following Corporate Objectives:

- Improve Quality of Life for All
- Safer Communities
- Healthier County Borough.

3. Background

3.1 The specific statutory responsibilities, duties and powers which are significant in the handling of an outbreak of notifiable and infectious diseases are set out in the Public Health (Control of Disease) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988. The responsibility of undertaking these duties lies with the Local Authority.

3.2 To carry out these duties, the Local Authority is able to appoint a Proper Officer and Alternate Proper Officers. The Proper Officer will act as a medical adviser during any major outbreaks of infectious diseases and form part of an outbreak control team, which may be convened to investigate and control such outbreaks.
3.3 A Proper Officer is a term widely used in Local Government and is defined in Section 270(3) of the Local Government Act 1972 as "an officer appointed for that purpose by that body". It is the correct appointment of a Proper Officer that gives that person the power. Both the Proper Officer and Alternate Proper Officers must be appointed by name. While other officers can act in the name of the Proper Officer, the responsibility lies with the appointed Proper Officer and Alternate Proper Officers. There are no general Proper Officer duties, they are all specific to sections of the Act for which he/she is appointed.

3.4 The Proper Officer will provide expert medical and epidemiological advice to the outbreak control team on the management of any outbreak, including the interpretation of clinical data, methodology of investigation and control measures to minimise spread and prevent recurrence.

3.5 Where appropriate, the Proper Officer can arrange for medical examinations of cases and contacts, if necessary the taking of clinical specimens and can also arrange immunisation.

3.6 The enforcement role of the Public Protection Department often results in identifying living conditions which are unhygienic, unsuitable, unsafe or unfit. On rare occasions, a person may be subject to conditions so serious and in a position of not receiving proper care and attention from other persons that there is a need to compulsorily admit that person into hospital or other form of care. The power enabling the Local Authority to carry out this function is contained in the National Assistance Act 1948 and the National Assistance (Amendment) Act 1951. It is, therefore, necessary that the Proper Officer is suitably authorised to act in such a situation.

3.7 The present Proper Officer is Dr Mac Walapu, Consultant in Communicable Disease Control with the National Public Health Service for Wales. To support him in this role and to deputise for him in his absence, there is a panel of Alternate Proper Officers.

3.8 The current Alternate Proper Officers are:

Dr Gwen Lowe
Dr Christine Whiteside
Dr Judy Hart
Dr Richard Roberts
Dr Marion Lyons
Dr Mark Temple
Dr Lika Nehaul
Dr Nina Williams
Dr Annie Delahunty
Dr Sian Griffiths
Dr Ann John
Dr Lyn Harris
Dr Judith Greenacre
Dr Paul Walker
Dr Michael Thomas
Mrs Ruth Jones.
4. **Current Situation/Proposal**

4.1 Dr Mac Walapu, Consultant in Communicable Disease Control with the National Public Health Service for Wales, is the Local Authority's Proper Officer under the Public Health (Control of Disease) Act 1984, the Public Health (Infectious Diseases) Regulations 1988, the National Assistance Act 1948, Section 47, and the National Assistance (Amendment) Act 1951. Dr Walapu is undertaking this role whilst the Council's former Proper Officer, Dr Sarah Hayes, is undertaking a secondment at the Welsh Assembly Government. He is supported by a number of Alternate Proper Officers.

4.2 A request has been received from the National Public Health Service for Wales that Dr Jane Salmon be appointed one of the Local Authority's Alternate Proper Officers for the functions described in item 1.1.

4.3 Therefore, it is proposed that Dr Jane Salmon be appointed one of the Local Authority's Alternate Proper Officers for the functions described in item 1.1.

4.4 It is also proposed that the Proper Officer, Dr Mac Walapu, the Alternate Proper Officers, as named in item 3.7, and Dr Jane Salmon are delegated the powers shown in Appendix 1 for the purposes of the Public Health (Control of Disease) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988.

5. **Effect on Policy Framework and Procedure Rules**

5.1 There is no effect on policy framework or procedure rules.

6. **Legal Implications**

6.1 The Local Authority must appoint a Proper Officer in order to discharge its statutory functions under the Public Health (Control of Disease) Act 1984, the Public Health (Infectious Diseases) Regulations 1988, the National Assistance Act 1948, Section 47, and the National Assistance (Amendment) Act 1951.

7. **Financial Implications**

7.1 There are no financial implications. Although, when acting as Proper Officer, the appointee is acting on behalf of the Local Authority, the individual is an employee of and financed by the National Public Health Service for Wales.

8. **Recommendations**

8.1 That Dr Jane Salmon be appointed one of the Local Authority's Alternate Proper Officers for the purposes of the Public Health (Control of Disease) Act 1984, the Public Health (Infectious Diseases) Regulations 1988, the National Assistance Act 1948, Section 47, and the National Assistance (Amendment) Act 1951.
8.2 That the powers outlined in Appendix 1 be delegated to the following officers:

**Proper Officer**

Dr Mac Walapu

**Alternate Proper Officers**

Dr Gwen Lowe  
Dr Christine Whiteside  
Dr Judy Hart  
Dr Richard Roberts  
Dr Marion Lyons  
Dr Mark Temple  
Dr Lika Nehaul  
Dr Nina Williams  
Dr Annie Delahunt  
Dr Sian Griffiths  
Dr Ann John  
Dr Lyn Harris  
Dr Judith Greenacre  
Dr Paul Walker  
Dr Michael Thomas  
Mrs Ruth Jones  
Dr Jane Salmon.

RHODRI-GWYNN JONES  
EXECUTIVE DIRECTOR - ENVIRONMENT  
5 September 2007

**Contact Officer**

Mr C. Goacher  
Acting Assistant Director Public Protection  
Telephone: 01656 643251  
E-mail: chris.goacher@bridgend.gov.uk

**Background Papers**

- Letter from the National Public Health Service Wales  
- The Public Health (Control of Disease) Act 1984  
- The Public Health (Infectious Diseases) Regulation 1988  
- The National Assistance Act 1948  
- The National Assistance (Amendment) Act 1951.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description of Power</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>To receive notifications of cases of notifiable diseases or food poisoning.</td>
</tr>
<tr>
<td>18</td>
<td>To require information from occupiers of premises upon which there is or has been persons suffering from a notifiable disease or food poisoning.</td>
</tr>
<tr>
<td>20</td>
<td>Power to request in writing, a person to stop work to prevent spread of disease.</td>
</tr>
<tr>
<td>21</td>
<td>Power to serve notice to exclude children from school, if they are liable to convey a notifiable disease.</td>
</tr>
<tr>
<td>22</td>
<td>Power to require a Head Teacher to provide a list of day pupils at a school having a case of a notifiable disease.</td>
</tr>
<tr>
<td>23</td>
<td>Power to serve notice to prohibit or restrict children from places of entertainment, assembly or sports facilities in order to prevent spread of notifiable disease.</td>
</tr>
<tr>
<td>24</td>
<td>To ensure appropriate measures have been taken to disinfect infected articles prior to despatch to laundry.</td>
</tr>
<tr>
<td>26</td>
<td>Power to serve notice to prohibit infectious matter being placed in dustbins.</td>
</tr>
<tr>
<td>28</td>
<td>Power to make orders prohibiting certain work on premises where notifiable diseases exist.</td>
</tr>
<tr>
<td>29</td>
<td>To issue certificates of satisfaction of disinfection of premises and articles.</td>
</tr>
<tr>
<td>30</td>
<td>To serve notice to occupiers/owners of houses regarding the need for disinfection of articles and premises after cases of notifiable disease.</td>
</tr>
<tr>
<td>30</td>
<td>To serve notice of the intention of the Council to disinfect articles or premises.</td>
</tr>
<tr>
<td>32</td>
<td>To exercise the power to remove persons from an infected house for disinfection or to apply to a JP for an order for such removal.</td>
</tr>
<tr>
<td>35</td>
<td>To exercise the power to nominate a registered medical practitioner who will certify to a JP the need for medical examination and to exercise other powers provided under this section.</td>
</tr>
<tr>
<td>36</td>
<td>Power to issue written certificates to a JP for the purpose of an order being served requiring medical examination of a group of persons.</td>
</tr>
<tr>
<td>37</td>
<td>To exercise the power of a Local Authority to apply to a JP for an order for the removal to hospital of a person with a notifiable disease.</td>
</tr>
<tr>
<td>38</td>
<td>To exercise the power of the Local Authority to apply to a JP for an order to detain in hospital a person with a notifiable disease.</td>
</tr>
</tbody>
</table>
To control the removal of a body of a person dying from a notifiable disease to prevent spread of disease.

To apply to a JP for an order to remove from any premises and bury dead bodies which may pose a risk to health.

**PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS 1988**

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Power/Duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulation 10</td>
<td>Power to arrange vaccination or immunisation of contacts of cases of infectious disease.</td>
</tr>
<tr>
<td>Schedule 3 &amp; Regulation 9</td>
<td>To exercise the power of the Local Authority to issue notices, disinfect persons and require isolation of persons or other measures in respect of Typhus or relapsing fever.</td>
</tr>
<tr>
<td>Schedule 4 &amp; Regulation 9</td>
<td>To exercise the power of the Local Authority to require the exclusion from work or to take other steps to prevent the spread of food poisoning or food borne infection.</td>
</tr>
</tbody>
</table>

The power to recommend to the Director of Legal and Democratic Services the institution of legal proceedings for offences under the provisions of the Public Health (Control of Disease) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988.