

Meeting of:	Shared Regulatory Services Joint Committee
Date of Meeting:	Tuesday, 21 March 2023
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Appointment of Proper Officers
Purpose of Report:	Appointment of suitably qualified persons to fulfil the roles required as Proper Officers and Port Medical Officers
Report Owner:	Director of Environment and Housing
Responsible Officer:	Head of Shared Regulatory Services
Elected Member and Officer Consultation:	No Elected Members have been consulted. The following officers have been consulted ; Assistant Director, Cardiff Council, Chief Officer Legal, Regulatory and Human Resources, Bridgend County Borough Council
Policy Framework:	This is a matter delegated to the Joint Committee
Executive Summary:	<p>The purpose of this report is to put forward, for appointment/authorisation, suitably competent persons by virtue of their qualification, training and consent, to acts as Proper Officers / Port Medical Officers on behalf of the Local Authority under the provision of the Public Health (Control of Diseases) Act 1984, as amended by the Health and Social Care Act 2008, and Regulations made thereunder.</p> <p>Updated Health Protection legislation adopts an “all hazards” approach encompassing infection and contamination of any kind. This is consistent with the International Health Regulations 2005 which aim to facilitate international responses to acute public health risks that have potential to cross borders.</p> <p>A ‘Proper Officer’ is defined in Section 74 of the 1984 Act (as amended).</p>

Recommendation

1. That the following persons are appointed as Proper Officers and Port Medical Officers for the purposes of the legislation set out above.
 - Siobhan Adams
 - Graham Brown
 - Caryn Cox
 - Richard Firth
 - Ardiana Gjini
 - Beverly Griggs
 - Sion Lingard
 - Susan Mably
 - Elizabeth Marchant
 - Keith Neal
 - Giri Shankar
 - Rhianwen Stiff
 - Christopher Johnson
 - Emily Steggall
 - Daniel Thomas
 - Christopher Williams.

Reason for Recommendation

1. The current list of Proper Officers / Port Medical Officers is out of date and required amendment.

1. Background

- 1.1** 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 Act 1936, the Public Health (Control of Disease) Act 1984 (as amended), the Public Health (Infectious Diseases) Regulations 1988, the Public Health (Ships) Regulations 1979, as amended, the Public Health (Aircraft) Regulations as amended, the Public Health (International Trains) Regulations

1994, the International Health Regulations 2005, the Health Protection (Notification) (Wales) Regulations 2010, the Health Protection (Local Authority Powers) (Wales) Regulations 2010 and the Health Protection (Part 2 A Orders) (Wales) Regulations 2010. The responsibility of undertaking these duties lies with the Local Authority and has been delegated to the Shared Regulatory Services Joint Committee.

- 1.2** To carry out these duties, the Local Authority appoints Proper / Port Medical Officers to act as medical advisers in relation to controlling and preventing the spread of infectious disease and preventing significant harm to others from contamination by chemicals or radiation. They may also form part of an outbreak control team, which may be convened to investigate and control such outbreaks.
- 1.3** The role of the 'Proper Officer' and 'Port Medical Officer' is to support the Local Authority discharge its legal duties by carrying out functions and duties contained within health protection legislation on behalf of the Local Authority. This would include supporting appropriately Authorised Officers of the Local Authority (*including Lead Officers for Communicable Disease Control*).
- 1.4** Powers of a 'Proper Officer' are contained within Section 61(1) of the 1984 Act (as amended) and include -
- Powers of entry to allow the Proper Officer to carry out any of the following and to take with him or her any other people, and any equipment and materials necessary for the relevant purpose(s):
 - Search the premises;
 - Carry out measurements and tests of the premises or anything found on them;
 - Take and retain samples of the premises or anything found on them;
 - Inspect and/or take copies of any documents or records found on the premise;
 - Require electronic information accessible from the premises to be produced;
 - Seize, detain or remove anything the officer reasonably believes to be relevant evidence;
 - Find out if a Part 2A Order has been breached;
 - Find out if he/she should be taking action in relation to an order; or
 - Take action in relation to an order.
 - Receive notifications of cases of specified infections, diseases or contamination that could present a risk to human health from registered medical practitioners.
 - Receive notifications of specified causative agents identified by laboratories in tests on human species.

2. Key Issues for Consideration

- 2.1** This report follows a request from Public Health Wales to the three Councils to update the existing list of Proper Officers and Port Medical Officers.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Well-being of Future Generations Act requires the SRS to underpin decision making by contributing to the seven well-being goals of the Act, following the five ways of working, and consequently undertaking actions that will have a positive impact on people living in the future as well as those living today. Consequently SRS seeks to work in the following ways:

- Looking to the long term
- Taking an integrated approach;
- Involving a diversity of the population in the decisions affecting them;
- Working with others in a collaborative way to find shared sustainable solutions
- Acting to prevent problems from occurring or getting worse.

4. Climate Change and Nature Implications

- 4.1** As set out in 1.1 above, one of the key strategic themes for the Shared Regulatory Service is *Protecting the Local Environment*.
- 4.2** The SRS Business Plan articulates the work carried out under this theme to deliver on the corporate priorities for the participant Councils, including their ambitions to minimise climate change and impacts on the natural environment.
- 4.3** In this context, the Joint Committee is regularly updated on the contribution of SRS to this agenda, for example through its work in the areas of animal health and welfare, air quality, contaminated land, energy efficiency in the private rented sector and investigating greenwashing claims or environmental fraud.

5. Resources and Legal Considerations

Financial

- 5.1** There are no financial implications. Although, when acting as Proper or alternate Proper Officer, the appointee is acting on behalf of the Local Authority, the individual appointed will be financed by their employing authority, in this instance Public Health Wales.

Employment

5.2 There are no immediate employment implications associated with this report.

6. Legal (Including Equalities)

6.1 The local Authority must appoint a Proper Officer and Port Medical Officer in order to discharge its statutory functions under the Public Health Act 1936, the Public Health (Control of Disease) Act 1984 (as amended), the Public Health (Infectious Diseases) Regulations 1988, the Public Health (Ships) Regulations 1979 as amended, the Public Health (Aircraft) Regulations as amended, the Public Health (International Trains) Regulations 1994, the International Health Regulations 2005, the Health Protection (Notification) (Wales) Regulations 2010, the Health Protection (Local Authority Powers) (Wales) Regulations 2010 and the Health Protection (Part 2 A Orders) (Wales) Regulations 2010. The Councils have, under the provisions of the Joint Working Agreement delegated this function to the Shared Regulatory Joint Committee.

7. Background Papers

- Outbreak Control Plan.