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**APPOINTMENT OF PROPER OFFICER**

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**Responsible Cabinet Member - Councillor Stephen Harker,  
Consumer and Environmental Services Portfolio**

**Responsible Director - John Buxton, Director of Development and Environment**

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**Purpose of Report**

1. To bring to Members' attention a request from Dr Roberta Marshall, Director of County Durham and Darlington Local Health Protection Unit, that a revised list of Proper Officers be adopted.

**Information and Analysis**

2. A copy of a letter from Dr A R Marshall is attached as **Appendix A**.
3. Dr Marshall is employed by the Health Protection Agency as the Director of County Durham and Tees Valley Health Protection Unit and is responsible for the monitoring and control of infectious diseases.
4. Cabinet last revised the authorisation of Proper Officers 10 May 2005.
5. It is necessary for the Council to select and appoint Officers to carry out the statutory duties associated with:
  - (a) Public Health (Control of Diseases) Act 1984
  - (b) National Assistance Act 1948 and its amendment for the purposes of Section 47 Removals.
  - (c) Public Health Aircraft Regulations 1979
6. The Proper Officer acting under the powers of Section 47 may certify, in writing, that it is necessary to remove a person from unsuitable to suitable premises to secure necessary care and attention for persons who:
  - (a) Are suffering from grave chronic disease, or being aged, infirm or physically incapacitated, are living in unsanitary conditions.
  - (b) Are unable to devote to themselves and are not receiving from other persons proper care and attention.
7. Dr Marshall has in her letter indicated that this Section 47 work now falls outside her remit, however, she is willing to accept the appointment on an interim basis until arrangements can be agreed with Primary Care Trusts.

8. The Proper Officer acting under the powers of the Public Health (Control of Diseases) Act 1984 may take action to prevent the spread of communicable diseases.
9. All of the persons nominated as Proper Officers are Doctors, are specialists in Public Health Medicine and employed by the Health Protection Agency.

### **Outcome of Consultation**

11. No consultations were undertaken.

### **Legal Implications**

12. This report has been considered by the Legal Services Manager for legal implications in accordance with the Council's approved procedures. There are no issues which the Legal Services Manager considers need to be brought to the specific attention of Members, other than those highlighted in the report.

### **Section 17 of the Crime and Disorder Act 1998**

13. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **Council Policy Framework**

14. The issues contained within this report do not represent change to Council policy or the Council's policy framework

### **Decision Deadline**

15. For the purpose of the 'call-in' procedure this does not represent an urgent matter

### **Key Decisions**

16. This is a key decision as it directly impacts upon the ability to carry out statutory duties.

### **Recommendation**

17. It is recommended that :-

- (a) Dr A R Marshall be appointed as Proper Officer and Dr Deborah Wilson, Dr Ian Holtby, Dr Michael Grandey, Dr Kirsty Foster, Dr Russell Gorton and Dr Meng Khaw be appointed as alternate Proper Officers for the purposes of the:
  - (i) Public Health (Control of Diseases) Act 1984 and Public Health (Infectious Diseases) Regulations 1988
  - (ii) National Assistance Act 1948 and its amendment for the purposes of Section 47 Removals

(iii) Public Health Aircraft Regulations 1979

**Reasons**

18. The recommendations are supported to enable the Council to carry out its statutory duties to protect the health of individuals and the general community.

**John Buxton,  
Director of Development and Environment**

**Background Papers**

File held by Public Protection Division relating to Appointment of Proper Officer

**Appendix**

Letter from Health Protection Agency dated 17 May 2006

Barry Pearson : Extension 388560



## North East

Our Ref: rm/td/170506darlpropoff

Mr B Pearson  
 Environmental Health Officer  
 Darlington Borough Council  
 11 Houndgate  
 Darlington  
 DL1 5RF

22 MAY 2006

Health Protection Agency

County Durham and  
 Tees Valley Health  
 Protection Unit

Appleton House  
 Lanchester Road  
 Durham  
 DH1 5XZ

Tel 0191 333 3372  
 Fax 0191 333 3228  
 www.hpa.org.uk

17 May 2006

Dear Mr Pearson

### **Proper Officer Appointments**

The Public Health/Health Protection on call arrangements in County Durham and Tees Valley have recently changed. There is now a County Durham and Tees Valley first on call rota staffed by Health Protection Agency nurses, public health colleagues from Primary Care Trusts and trainees in public health. There is a North East region wide health protection second on call rota staffed by the consultants working for the Health Protection Agency.

This letter is to propose a list of Proper Officers for the purposes of functions under the Public Health (Infectious Disease) Act 1984 and Public Health (Infectious Diseases) Regulations 1988 and, for Durham Tees Valley Airport, the Public Health (Aircraft) Regulations, 1979. I propose myself as Proper Officer for the above functions and the other Health Protection Agency Consultants from the second on call rota as alternative proper officers as summarised below.

#### Proper Officer

Dr A R Marshall, Director, County Durham and Tees Valley Health Protection Unit

#### Alternative Proper Officers

Dr Deborah Wilson, Consultant in Communicable Disease Control, County Durham and Tees Valley Health Protection Unit  
 Dr Ian Holtby, Consultant in Communicable Disease Control, County Durham and Tees Valley Health Protection Unit  
 Dr Michael Grandey, Consultant in Communicable Disease Control, County Durham and Tees Valley Health Protection Unit  
 Dr Kirsty Foster, Consultant in Communicable Disease Control, Northumberland, Tyne and Wear Health Protection Unit  
 Dr Russell Gorton, Consultant Regional Epidemiologist, Health Protection Agency North East  
 Dr Meng Khaw, Locum Consultant in Communicable Disease Control, Northumberland, Tyne and Wear Health Protection Unit

Traditionally the Health Protection Agency consultants have also been Proper Officers for National Assistance Act 1984 as amended by the National Assistance (Amendment) Act 1951. As this work now falls outside the remit and responsibilities of the Health Protection Agency I do not envisage that we will be able to continue to fulfil this role in the long term but you may wish to appoint the consultants named above on an interim basis until we have had an opportunity to discuss and agree this with Primary Care Trusts.

There will always be one of the Health Protection Agency consultants available so Dr Tricia Cresswell, Director of Public Health, Durham and Chester-le-Street PCT, Dr Anne Low, Director of Public Health, Derwentside Primary Care Trust and Dr David Walker, Director of Public Health, County Durham and Tees Valley HA who are currently also Proper Officers can now be removed from the list.

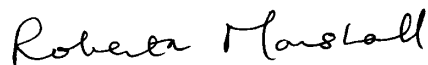
~~If the proposed arrangements are acceptable to the Council I would be grateful if you would let me have a copy of the minutes of the Council meeting when the appointments are approved or a letter confirming the acceptability of the arrangements to the Council.~~

If you have any queries in relation to this please do contact me to discuss.

I look forward to continued working with you.

Kind regards.

Yours sincerely



**Dr A R Marshall**  
**Director, North East Health Protection Units**