

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Corporate and Efficient Governance Committee: 30 September 2009

Subject: Public Health etc (Scotland) Act 2008 and the Public Health etc (Scotland) Act Designation of Competent Persons Regulations 2009.

1. Purpose

1.1 This report informs the Committee and asks Members to consider delegating authority to the Chief Officer of Environmental Health to maintain a list of Competent Persons for the purposes of the Public Health etc (Scotland) Act 2008.

2. Background

2.1 The Public Health etc (Scotland) Act was passed by the Scottish Parliament and received Royal Assent on 16 July 2008.

2.2 The Act updates the law on public health and has 10 parts. This report is concerned with Part 1 of the Act which concerns the public health responsibilities of Scottish Ministers, health boards and local authorities.

3. Main Issues

3.1 Scottish Ministers, health boards and local authorities have a duty to make provision or secure provision is made for the purpose of protecting public health. There is a duty to co-operate and to plan together for public health protection.

3.2 'Protecting Public Health' means the protection of the community from:

- (i) infectious diseases
- (ii) contamination (with or by a biological, chemical or radioactive substance)
- (iii) other such hazards which constitute a danger to human health.

This includes prevention, control and provision of a public health response to such diseases, contamination or other hazards.

3.3 Each local authority must maintain a current list of competent persons to carry out the functions conferred upon it and review the list every two years.

3.4 A competent person must be an Environmental Health Officer, meaning a person holding the Diploma in Environmental Health awarded by the Royal Environmental Health Institute of Scotland, with a minimum of 2 years experience working with a local authority.

- 3.5 Each Health Board must prepare, in consultation with local authorities, a plan relating to the protection of public health in its area and the plans must be prepared in accordance with guidance issued by Scottish Ministers.
- 3.6 The author of the plan will be the Director of Public Health, in collaboration with, and co-signed by, the Chief Officer of Environmental Health. The plan must be formally submitted to the NHS Board and relevant local authority committee and reviewed every two years.

4. Personnel Issues

- 4.1 Within West Dunbartonshire Council the current Manager of Regulatory Services is the Chief Officer of Environmental Health and will have additional responsibility as a result of this legislation.

5. Financial Implications

- 5.1 There are no financial implications associated with this report.

6. Risk Analysis

- 6.1 Failure to exercise a function for the protection of public health can result in intervention by Scottish Ministers.

7. Conclusions & Officers' Recommendation

- 7.1 This is a significant piece of legislation which formalises and highlights the roles of the local authority and the Chief Officer of Environmental Health in protecting public health.

It will be necessary for the Council to approve sufficient competent persons to undertake this work and to approve a joint health protection plan.

- 7.2 Work is underway to take these duties forward within the required deadlines i.e. by 01 October 2009 to designate competent persons and by 01 April 2010 to finalise a joint health protection plan.
- 7.3 Implementation of some of the health protection provisions has been brought forward to 01 October 2009 due to the current circumstances in respect of 'swine flu'.
- 7.4 The Committee is asked to consider this report and delegate authority to the Chief Officer of Environmental Health to establish, maintain and review the list of competent persons for the purposes of the Public Health etc (Scotland) Act 2008.

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Date: 26 June 2009

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Background Papers: Public Health etc (Scotland) Act 2009
Public Health etc (Scotland) Act Designation of
Competent Persons Regulations 2009
Letter from Scottish Government dated 19 June
2009 concerning accelerated implementation of
the Act and guidance on designation of competent
persons.

Wards Affected: All