

NORTH LANARKSHIRE COUNCIL

REPORT

To: ENVIRONMENTAL SERVICES COMMITTEE		Subject: THE PUBLIC HEALTH ETC (SCOTLAND) ACT 2008
Date: 19 AUGUST 2009	Ref: CM/GC/1/EC	

1. PURPOSE OF REPORT

1.1 To provide an overview of the key provisions of the Public Health etc. (Scotland) Act 2008 and to seek approval for Officers to proceed with Lanarkshire Health Board and South Lanarkshire Council to prepare a Joint Health Protection Plan.

2. BACKGROUND

2.1 The Act updates the law on public health enabling the Scottish Government, Health Boards and Local Authorities to better protect public health in Scotland. A key provision is the need for this Authority to work together with Lanarkshire Health Board and South Lanarkshire Council to produce a Joint Health Protection Plan. It will also assist the Scottish Government to meet their obligations under the International Health Regulations.

2.2 The Act also makes provision for other important public health issues relating to the use, sale or hire of sunbeds clarifies statutory responsibility for the provision of mortuaries and post mortem facilities and amends the law on statutory nuisances.

2.3 A timeline for commencement of the Act is provided in Appendix 1. This has only just been amended from a previous timeline which has resulted in an earlier implementation date for Part 3 (public health investigations), Part 4 (Health Board powers and functions), Part 5 (Local Authority powers and functions) and Part 6 (protection of the public from risks arising from bodies) which all now come into force in 1 October 2009. The earlier implementation of these specific provisions of the Act is considered to be a prudent measure in the current circumstances.

2.4 The Act comprises of 10 Parts and a copy is available within the Member's library. The report summarises the key provisions.

3. REPORT

3.1 Part 1 of the Act sets out the duties of Scottish Ministers, Health Boards and Local Authorities to continue to make provision to protect public health in Scotland. As part of this process there is now a duty on Health Boards and Local Authorities to appoint "competent persons" to undertake functions assigned to them under the Act. This particular provision has still to be introduced and will be the subject of a separate report in due course.

- 3.2 A further key measure is the need for the preparation of a Joint Health Protection Plan for Lanarkshire. This will require officials from this authority to work in partnership with colleagues from Lanarkshire Health Board and South Lanarkshire Council to produce a Plan which will require committee approval early next year.
- 3.3 Provision is made for the notification of specific diseases and organisms and these are detailed in schedule 1 of the Act. Notification is necessary in order to alert public health authorities of diseases and organisms which present a risk to public health and which may require an urgent response to prevent further spread of illness.
- 3.4 New measures are provided to assist with the investigation of public health incidents particularly in cases where someone is reluctant to co-operate or there are access problems to premises linked to an incident.
- 3.5 A duty is placed on Health Boards to ensure mortuary provision, including post-mortem facilities, for persons who die in hospital in the board's area or who die elsewhere and whose bodies are brought to the hospital. A duty is also placed on Local Authorities to ensure the provision of mortuary and post-mortem facilities for other deaths, including for Crown Office Procurator Fiscal Service instructed post-mortem examinations. Local authorities and health boards must co-operate with one another in complying with these duties.
- 3.6 The Act makes provision for regulating the use, sale and hire of sunbeds. It prohibits operators from allowing use of sunbeds on their premises by persons under 18. It also prohibits allowing unsupervised use of sunbeds and the sale or hire of sunbeds to anyone under 18 years of age. A duty is also placed on operators of sunbed premises to provide information to sunbed users and to display notices on their premises on the adverse health effects of sunbed use. Provision is also made for operators to discharge any liability to any conviction for an offence through payment of a fixed penalty fine, in certain circumstances.
- 3.7 An amendment of the Environmental Protection Act 1990 is provided for which now includes insect infestation, artificial light pollution and nuisances associated with water on land as statutory nuisances. Powers are also introduced to amend the statutory nuisance regime in the future which will enable Local Authorities to offer a fixed penalty to persons who fail to comply with the requirements of an abatement notice served under the Act.
- 3.8 The potential risk caused by international travel is also dealt with in the Act. Scottish Ministers are given the power to make regulations to protect public health from risks arising from vehicles arriving in or leaving Scotland and to give effect to the international agreement relating to public health.
- 3.9 Powers are made available to Local Authorities to order or undertake a range of public health measures including disinfection and decontamination in order to prevent the spread of infectious disease or contamination.

4. SUSTAINABILITY IMPLICATIONS

- 4.1 There are no issues relevant to this report which have any sustainability implications.

5. CORPORATE CONSIDERATIONS

5.1 The recommendations are consistent with policy and there are no personnel, legal, property or financial implications in the report.

6. RECOMMENDATIONS

6.1 That Members provide approval for Officers to proceed with Lanarkshire Health Board and South Lanarkshire Council to prepare a Joint Health Protection Plan.



**Crawford Morgan
HEAD OF PROTECTIVE SERVICES**

Local Government Access to Information Act: for further information about this report please contact Gordon Cunningham on 01236 616511.

Appendix 1

Timeline for Commencement of Public Health etc. (Scotland) Act 2008

