

Glasgow City Council

Environmental Protection Services

Public Health Legislation in Scotland a Consultation

Question 1 – General Comment

Legislation needs to be flexible to provide protection to new emerging threats, technological advances and globalisation.

Whilst it may be simpler to split the domains between Local Authorities and Health Boards this does not always reflect the practical position on the ground.

Question 1.1 Consideration could be given on how democratic oversight for accountability for persons is provided if this function is to move solely to the Health Boards. In Glasgow, partnerships between the local authority and Health Board here in areas such as appointments exist.

Question 1.2 It would be useful to update tables 1 and 2 in Annex D.

Question 1.3 We would support the principle of Health Protection Plans. These should be separate but complementary to Health Improvement Plans.

Question 1.4 Yes this represents a good base from which to develop. Responsibilities should be consistent with domains and systems of collaboration between agencies and should be outlined in Health Protection Plans. In practice decisions are presently made through close co-operation and discussion. This should not change.

Question 1.6 The role should be retained as a joint appointment between the Local Authorities and the NHS. The qualifications need not be defined in law but should be strictly determined at time of vacancy. It is considered essential that the health protection function at NHS Board level be led by a medically qualified person (consultant in public health)

Question 1.7 Matters relating to the restriction of personal liberty must be defined. The current model for mental health may be applicable.

Question 1.8 Guidance would be adequate.

Question 1.9 Yes. Powers for Scottish Ministers should follow principles already established.

Question 2 - General Comments A notification system requires to reflect the wide ranging impacts that local authority functions may have on community health. Compatibility with Environmental Health reporting systems would assist.

Question 2.1 Notification should be as straightforward as possible and flexibility is required to prevent periodic operation.

Question 3.1 There should be a statutory requirement to provide the health board with necessary information to allow it to undertake appropriate tasks and there should be a requirement to provide access to resources and facilities.

Question 3.2 These triggers appear appropriate.

Question 3.4 The appeal system should be to a Sheriff.

Question 1 Yes. Quarantine Orders require to be specified in the Act.

Question 4.3 Yes.

Question 4.4 Yes.

Question 4.5 Yes.

Question 4.6 Yes.

Question 4.7 Yes.

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Question 5.1 It is felt there is a gap in the legislation dealing with nuisance. Examples include -

- light pollution
- urban gulls
- significant insect infestation
- feeding of birds
- overgrown gardens
- feeding of stray cats
- overflow water discharge
- odours from residential premises
- inadequate sound insulation between properties
- helicopter noise
- noise which give rises to annoyance but not so bad as to constitute a nuisance eg noise from buskers, certain construction site noise

This list is not exhaustive.

Question 5.2 This would be appropriate. You may wish to consider keeping Statutory Nuisance Legislation in place as well.

Question 5.3 None of those mentioned other than Section 151 should be retained. It is suggested that Section 151 be amended to increase the maximum penalty.

Question 5.4 The definition of Environmental Health concerns appears to be satisfactory though may require some legal redrafting. Consideration may be given to other terms depending on the relative seriousness and possible type of enforcement response, eg. Environmental Health violation, misdemeanours etc. Further, the definition may benefit from the deletion of the term "of any premises".

Question 5.5 The proposal of joint assessment should not be a requirement but it is anticipated that joint working would arise when necessary. The new system should include public reporting to the local authority, proportionate action will be essential. Resorting to the Sheriff too quickly could result in legislation being ineffective however sanctions should achieve swift resolution and should be incremental.

Question 5.6 See question 5.1.

Question 6 Responsibility for provision of mortuaries should remain with the local authority. The question of who owns and operates mortuaries is of lesser importance than what standards are applied. Who ever manages mortuaries should provide this as a public service rather than an opportunity to charge.

Question 7.1 The arrangements at present are not co-ordinated particularly well with each Port Health Authority operating individually. A small number of Port Health Authorities in Scotland are members of the Association of Port Health Authorities.

Question 7.2 In 2006 the Scottish Port Liaison Network was established. This body has representatives from Scottish Port Health Authorities, Food Standards Agency (Scotland), Health Protection Scotland and the Royal Navy. The arrangements for Port Health functions in Scotland would be strengthened by this network becoming the strategic co-ordinating body for eg., procedures, training, communications with other agencies etc. and the sharing of Best Practice. A central web-based ship database would assist and reduce possible duplication.

Question 8.1 Similar provisions in Scotland would be beneficial.

Question 8.2 Generally enforcement against one's own organisation should be able to be handled by that authorities' Environmental Health Service. Consideration should be given to inviting a separate local authority to investigate complaints.