

Decision under Delegated Powers

Officer Requesting Decision

Alan Twells - Head of Regulatory Services

Officer Making the Decision

Head of Strategic Support

Recommendation

That the Head of Regulatory Services be appointed from immediate effect as the delegated officer to enforce Business Closure Regulations as designated by the Secretary of State, and to take such action as is necessary to enforce a closure or restriction imposed by those regulations.

Reason

On 22nd March 2020, the Secretary of State made the following designations in exercise of the powers conferred by regulation 4(1) and (2) of the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 ("the Business Closure Regulations "):- an officer be appointed by a local authority to enforce the Business Closure Regulations as designated by the Secretary of State, to take such action as is necessary to enforce a closure or restriction imposed by those regulations, and that all Local Authorities are designated by the Secretary of State as able to bring proceedings for any offence under the Business Closure Regulation.

Authority for Decision

The Head of Strategic Support has delegated authority to appoint 'proper officers' for particular purposes. This is set out under point 18 on page 8-14 of the constitution.

Decision and Date

Background

Due to the spread of coronavirus (COVID-19), the Secretary of State has made new regulations under the emergency procedure, to protect the public. The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 came into force at 2pm on 21st March 2020. The Government has requested that businesses and venues selling food or drink to consume on the premises, and some others (including theatres, museums and indoor leisure centres), to close, to protect public health and not open for trade from Saturday 21st March 2020.

As of 2pm on 21st March 2020, these closures are enforceable by law in England and Wales due to the threat to public health. A business operating in contravention of the Health Protection (Coronavirus, Business Closures) Regulations 2020 will be committing an offence. Environmental Health and Trading Standards officers, with police support if appropriate, will work together to issue prohibition notices challenging unsafe behaviours where businesses do not follow these restrictions.

To enable the Business Closure Regulations as designated by the Secretary of State to be enforced by Charnwood Borough Council, an officer is to be appointed to take such action as is necessary to enforce a closure or restriction imposed by those regulations.

The closure lasts until a direction is given by the Secretary of State. The Secretary of State is required to keep the need for these restrictions under review every 28 days.

Comments from HR

Not applicable

Financial Implications

None identified

Risk Management

List risks in table below or state that 'No specific risks have been identified with this report'.

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Financial cost to the Council	High	Low	The government will ensure that local authorities are funded for the new requirements as quickly as possible, in line with the New Burdens doctrine.

Key Decision:

No

Date included on Forward Plan N/A

Background Papers:

Government Guidance: <https://www.gov.uk/government/publications/business-and-other-venues-subject-to-further-social-distancing-measures>