

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 The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 as designated by the Secretary of State, and to take such action as is necessary to enforce the regulations, and any future relevant legislation or regulations that may be enacted.

Reason

On 26th March 2020, the Secretary of State made the following designations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(1). These Regulations were made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARSCoV-2) in England.

The Secretary of State considers that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat. In accordance with section 45R of that Act the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament

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

Further to the publication of Delegated Decision No. 53, the Secretary of State has revoked the The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 that came into force at 2pm on 21st March 2020 and replaced them with the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 that came into force at 1p.m. on 26th March 2020.

These Regulations require the closure of businesses selling food or drink for consumption on the premises, and businesses listed in Part 2 of Schedule 2, to protect against the risks to public health arising from coronavirus, except for limited permitted uses. Restrictions are imposed on businesses listed in Part 3 of Schedule 2, which are permitted to remain open. The Regulations also prohibit anyone leaving the place where they live without reasonable excuse and ban public gatherings of more than two people.

To enable the new 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. This officer can then authorise other officers within his service to issue a fixed penalty notice to anyone that the authorised person reasonably believes:

- (a) has committed an offence under these Regulations;
- (b) is over the age of 18.

The need for these restrictions must be reviewed by the Secretary of State every 21 days, with the first review taking place by 15th April 2020.

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>

[file:///C:/Users/karenw/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/IL69NLE3/The%20Health%20Protection%20\(Coronavirus%20Restrictions\)%20\(England\)%20Regulations%202020.pdf](file:///C:/Users/karenw/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/IL69NLE3/The%20Health%20Protection%20(Coronavirus%20Restrictions)%20(England)%20Regulations%202020.pdf)