

Decision under Delegated Powers

DD059 2020

Officer Requesting Decision (if necessary)

Democratic Services Manager

Officer Making the Decision

Head of Strategic Support.

Recommendations

That the following minor change be made to the constitution;

“That the Head of Regulatory Services is authorised to appoint officers from Charnwood Borough Council and other Local Authorities as Officers of the Authority to carry out functions under The Public Health (Control of Disease) Act 1984 and related Regulations including the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020”

Reasons

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.

Authority for Decision

Under Section 8.2 of the Constitution, the Head of Strategic Support has delegated authority to make minor changes to the constitution. (Point 17 – page 8-14)

Decision and Date

Background

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 came into force at 1p.m. on 26th March 2020.

Delegated Decision No. 57 appointed the Head of Regulatory Services with 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.

This authority then enables the new Regulations as designated by the Secretary of State to be enforced by Charnwood Borough Council and the said officer can then authorise other officers within his service. In particular in the constitution the Head of Regulatory Services can:

- Exercise powers generally under various Acts, including the HPA
- Authorise officers to serve FPNS
- Authorise officers to enforce food legislation
- Make officers available for the flexible warrant scheme and authorise officers from other authorities under that scheme for H&S legislation
- To appoint proper officers under HPA

However there is no authority relating to appointing officers from other authorities under the HPA. Accordingly it would be helpful if the constitution set out that officers of other organisations could be authorised as officers of Charnwood Borough Council for the purposes of this legislation.

Financial Implications

There are no financial implications.

Risk Management

No risks have been identified with this decision.

Key Decision:	No
Background Papers:	None
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