

## 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, Restrictions) (No.2) (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 3<sup>rd</sup> July 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, and required certain premises to close.

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 The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 that came into force at 2pm on 26<sup>th</sup> March 2020, the Secretary of State has revoked these regulations and replaced them with the Health Protection (Coronavirus, Restrictions)(No.2)(England) Regulations 2020 that came into force at 4<sup>th</sup> July 2020.

These Regulations require the closure of businesses listed in Schedule 2, to protect against the risks to public health arising from coronavirus, except for limited permitted uses. They also impose restrictions on gatherings both inside and outside, of more than 30 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 28 days, with the first review taking place by 31<sup>st</sup> July 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:

<https://www.legislation.gov.uk/ukxi/2020/684/contents/made>