

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) (Obligations of Hospitality Undertakings)(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 17th September, 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 require the imposition of restrictions and requirements on certain business undertakings. These regulations came into force on 18th September 2020 and are subject to review before the end of 6 months from the day they came into force.

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

The recent rise in Covid-19 cases caused alarm among ministers and their health advisers, who believe the UK is at a critical point ahead of the onset of autumn and winter, when respiratory viruses tend to thrive. Research has shown that close contact within homes remains the most common risk of transmission, followed by close contact in leisure settings such as pubs and restaurants, particularly when social distancing safeguards are not adhered to.

The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 have been introduced to ban social gatherings of more than six people in England and came into force on 18th September. The Regulations require persons responsible for carrying out a business of a public house, café, restaurant or other relevant business, must take all reasonable measures to ensure no bookings for a table are accepted for a group of more than 6 persons, unless exemptions apply. No more than 6 persons in a group can be admitted to the premises and no mingling between groups is permitted. An appropriate distance must be maintained between tables occupied by different groups.

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.

Prosecution for an offence under these Regulations may also be brought.

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:



Hospitality
Requirements rule o