

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, Collection of Contact Details etc & Related Requirements) 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

NHS Test and Trace is a key part of the country's ongoing COVID-19 response. The rapid detection of people who have recently come into close contact with a new COVID-19 case, enables the swift action to minimize transmission of the virus.

The Health Protection (Coronavirus, Collection of Contact Details etc & Related Requirements) Regulations 2020 require designated venues in certain sectors to have a system in place to request and record contact details of their customers, visitors and staff, to help break the chains of transmission of coronavirus.

Venues in hospitality, the tourism and leisure industry, close contact services and local authority facilities must:

- ask at least one member of every party of customers or visitors (up to 6 people) to provide their name and contact details
- keep a record of all staff working on their premises and shift times on a given day and their contact details
- keep these records of customers, visitors and staff for 21 days and provide data to NHS Test and Trace if requested
- display an official NHS QR code poster so that customers and visitors can 'check in' using this option as an alternative to providing their contact details
- organisations must have a system for individuals who do not have a smartphone or the NHS COVID-19 app to provide their contact details.
- adhere to General Data Protection Regulations
- Hospitality venues must also refuse entry to those who refuse to participate.

Failure to comply with any of these requirements will result in fixed penalty fines. The person responsible for the organisation is liable. This could be the owner, proprietor or manager with overall responsibility of the organisation, business or service.

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:



Collection of
Contact details Regi