

# Addendum

## Executive



Dear Councillor,

**Executive - Thursday, 19 November 2020, 7.30 pm**

I enclose, for consideration at the meeting of the Executive to be held on Thursday, 19 November 2020 at 7.30 pm, the following report which was unavailable when the agenda was published.

**Mari Roberts-Wood**  
Interim Head of Paid Service

9. **Delegated Authority to Enforce Legal Provisions Relating to Coronavirus, Made Under The Public Health (Control of Disease) Act 1984, Including All Associated and Subsequent Regulations (Pages 3 - 8)**

To note the Decision made by the Leader of the Council on 12 November 2020 to authorise the Head of Service with responsibility for Environmental Health to exercise the Council's powers, duties and functions with regard to all current and future legal provisions relating to Coronavirus that the Council is designated to enforce.

**For enquiries regarding this addendum;**

**Contact:** 01737 276182

**Email:** [democratic@reigate-banstead.gov.uk](mailto:democratic@reigate-banstead.gov.uk)

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**Reigate & Banstead**  
BOROUGH COUNCIL  
Banstead | Horley | Redhill | Reigate

<b>SIGNED OFF BY</b>	Luci Mould
<b>AUTHOR</b>	Katie Jackson
<b>TELEPHONE</b>	01737 276309
<b>EMAIL</b>	Katie.jackson@reigate-banstead.gov.uk
<b>TO</b>	Executive
<b>DATE</b>	19 <sup>th</sup> November 2020
<b>EXECUTIVE MEMBER</b>	Leader of the Council

<b>KEY DECISION REQUIRED</b>	No
<b>WARDS AFFECTED</b>	All

<b>SUBJECT</b>	Delegated authority to enforce legal provisions relating to Coronavirus, made under the Public Health (Control of Disease) Act 1984, including all associated and subsequent Regulations.
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<b>RECOMMENDATION</b>
To note the Decision made by the Leader of the Council on 12 November 2020 to authorise the Head of Service with responsibility for Environmental Health to exercise the Council's powers, duties and functions with regard to all current and future legal provisions relating to Coronavirus that the Council is designated to enforce.

<b>REASONS FOR RECOMMENDATION</b>
To note the decision and relevant delegated authority.

<b>EXECUTIVE SUMMARY</b>
The Secretary of State has made a number of sets of Regulations in exercise of powers under the Public Health (Control of Disease) Act 1984, in response to the current public health risk posed by the global coronavirus pandemic. These regulations place restrictions and requirements on business and individuals, along with restrictions on gatherings and access to public places, as identified in the legislation. These pieces of legislation will be referred to collectively as the 'Coronavirus Regulations'.  The Secretary of State has powers to designate enforcement bodies to deal with any non-compliance. Given local authority environmental health and trading standards' existing

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relationships and expertise in dealing with these business sectors, local authorities have been designated as enforcers of related elements of these regulations.

To use these powers effectively, the Council will need to delegate them to appropriate officers. As they are not a matter reserved to Council or otherwise restricted, they fall within the Executive powers of the Council, which the Leader of the Council has the authority to delegate. In keeping with the Council's Officer Scheme of Delegation, the Leader of the Council has delegated to the Head of Service with responsibility for Environmental Health the authority to exercise the Council's powers in relation to these regulations. The Head of Service may delegate these powers to other officers as appropriate.

The Leader's Decision is published at: <https://reigate-banstead.moderngov.co.uk/ieDecisionDetails.aspx?ID=765>

**Executive are asked to note the Decision made by the Leader of the Council on 12<sup>th</sup> November 2020.**

## STATUTORY POWERS

1. The Public Health (Control of Disease) Act 1984 establishes powers with regard to the control of disease.
2. The Health Protection (Coronavirus, Restrictions) (No.4) (England) Regulations 2020 establishes powers relating to the closure of businesses, along with restrictions on gatherings and access to public places.
3. The Health Protection (Coronavirus Restrictions) (No.2) (England) Regulations 2020, as amended, which require closure of certain businesses such as nightclubs, dance halls, discotheques etc and sexual entertainment venues and hostess bars. These also impose restrictions on operating hours of certain businesses and requirements around how food and drink may be served (table service only).
4. The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020, which contain provisions for the 'rule of 6' and social distancing in hospitality settings, including restrictions on singing, dancing and playing loud music.
5. The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020, which impose requirements on persons told they must self-isolate and employers who have employees that have been told to self-isolate.
6. The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020, which contain provisions requiring the display of a QR code and collection of contact details in relevant premises, as well as the display of signs to require the wearing of face coverings.
7. It is anticipated that new legislation will continue to be introduced under the Public Health (Control of Disease) Act 1984 with regard to coronavirus, and so delegated authority was sought to cover all future and subsequent provisions which the Council

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is designated to enforce, without each change needing a specific Decision by Executive or the Leader.

## BACKGROUND

8. As of March 2020, the UK and much of the world is experiencing a major public health situation due to the spread of the coronavirus and the associated disease, COVID-19.
9. As such, the Government has established additional regulations in a number of related areas.
10. Previous powers were granted under earlier legislation, but this is being amended, revoked and replaced at great pace and frequency, and a mechanism is required to allow officer authority to be updated as soon as new provisions come into force.

## KEY INFORMATION

11. The Council has an existing Environmental Health service, which undertakes a range of actions relating to regulations around environmental health and associated matters, and enforcement thereof.
12. The Coronavirus regulations also relate to these matters, and the Council, along with other local authorities, has therefore been designated as an enforcement body for these regulations.
13. As identified, to effectively enforce these regulations, powers need to be delegated to appropriate officers. This report asks Executive to note the decision made by the Leader of the Council on 12<sup>th</sup> November 2020 to approve the recommendation that the Head of Service with Responsibility for Environmental Health be authorised to exercise the Council's powers, duties and responsibilities with regard to these regulations.
14. The Head of Service with Responsibility for Environmental Health may delegate these elements to other officers as appropriate. A copy of any such sub-delegations and their authorisation will be retained by the Council's Monitoring Officer.

## OPTIONS

15. **Option 1:** To note the decision of the Leader made on 12 November 2020, and the subsequent delegated authority.
16. **Option 2:** To request additional information before noting the decision of the Leader made on 12 November 2020.

## LEGAL IMPLICATIONS

17. There are not considered to be any additional legal implications of the decision made by the Leader.

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## FINANCIAL IMPLICATIONS

18. There are not considered to be any financial implications of the decision made by the Leader. It is noted that some of the enforcement penalties available under the collective Coronavirus regulations include the option of Fixed Penalty Notices, which could result in some income. However, it is anticipated that the use of such Notices would be infrequent.

## EQUALITIES IMPLICATIONS

19. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
  - Advance equality of opportunity between people who share those protected characteristics and people who do not;
  - Foster good relations between people who share those characteristics and people who do not.
20. The three parts of the duty applies to the following protected characteristics: age; disability; gender reassignment; pregnancy/maternity; race; religion/faith; sex and sexual orientation. In addition, marriage and civil partnership status applies to the first part of the duty.
21. The Council and its officers will have regard to these obligations in the conduct of its activities in relation to the powers exercised by the Council.

## COMMUNICATION IMPLICATIONS

22. The requirements of the new regulations will continue to be communicated to those affected as required.

## RISK MANAGEMENT CONSIDERATIONS

23. There are not considered to be any risk management implications of the recommendations of the decision made by the Leader.

## OTHER IMPLICATIONS

24. There are not considered to be any other implications of the decision made by the Leader.

## CONSULTATION

25. Consultation was undertaken with the Council's Environmental Health Team and Monitoring Officer.

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## POLICY FRAMEWORK

26. Proportionate enforcement of the Coronavirus regulations allows for Covid-Secure trading and ensures a level playing field for all businesses.

## BACKGROUND PAPERS

None.

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