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<b>TO</b>	Leader of the Council
<b>DATE</b>	10 <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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## RECOMMENDATIONS

**That the Head of Service with responsibility for Environmental Health be authorised 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.**

## REASONS FOR RECOMMENDATIONS

To enable the Council to effectively enforce the regulations with regard to coronavirus and associated requirements and restrictions.

## EXECUTIVE SUMMARY

1. 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 situation with regards to coronavirus. 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'.
2. 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 relationships and expertise in dealing with these business sectors, local authorities have been designated as enforcers of related elements of these regulations.

3. 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, it is therefore recommended that the powers be delegated to the Head of Service with responsibility for Environmental Health, who can then delegate them to other officers as appropriate.

**The Leader of the Council has authority to approve the above recommendation.**

## **STATUTORY POWERS**

4. The Public Health (Control of Disease) Act 1984 establishes powers with regard to the control of disease.
5. 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.
6. 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).
7. 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.
8. 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.
9. 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.
10. 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 is sought to cover all future and subsequent provisions which the Council

is designated to enforce, without each change needing a specific Strong Leader Decision.

## BACKGROUND

11. 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 COVID-19.
12. As such, the Government has established additional regulations in a number of related areas.
13. 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

14. 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.
15. 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.
16. As identified, to effectively enforce these regulations, powers will need to be delegated to appropriate officers. This report recommends that the Head of Service with Responsibility for Environmental Health therefore be authorised to exercise the Council's powers, duties and responsibilities with regard to these regulations.
17. As identified, this officer can then 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

18. **Option 1:** To authorise the Head of Service with responsibility for Environmental Health to exercise the Council's powers, duties and responsibilities with regard to all of the Coronavirus regulations currently in force or subsequently made. **This is the recommended option** as it will enable the Council to effectively enforce these regulations.
19. **Option 2:** To not authorise the Head of Service with responsibility for Environmental Health to exercise the Council's powers, duties and responsibilities with regard to all of the Coronavirus regulations currently in force or subsequently made **This is not the recommended option** as it will not enable the Council to effectively enforce these regulations.

## LEGAL IMPLICATIONS

20. There are not considered to be any additional legal implications of the recommendations of this report.

## EQUALITIES IMPLICATIONS

21. 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.
22. 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.
23. The Council and its officers will have regard to these obligations in the conduct of its activities.

#### **COMMUNICATION IMPLICATIONS**

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