



SIGNED OFF BY	Caroline Waterworth
AUTHOR	Tom Borer
TELEPHONE	01737 276717
EMAIL	tom.borer@reigate-banstead.gov.uk
TO	Leader of the Council
DATE	27 March 2020
EXECUTIVE MEMBER	Leader of the Council

KEY DECISION REQUIRED	No
WARDS AFFECTED	All

SUBJECT	Health Protection (Coronavirus, Restrictions) Regulations 2020 - Delegated authority to enforce
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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 the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.
REASONS FOR RECOMMENDATIONS
To enable the Council to effectively enforce the health protection regulations with regard to coronavirus and associated restrictions.
EXECUTIVE SUMMARY
<ol style="list-style-type: none"> 1. The Secretary of State has made 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 on business, gatherings and movements of the public, as identified in the legislation. 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) (England) Regulations 2020 establishes additional powers relating to the closure of businesses, along with restrictions on movement and gatherings.

BACKGROUND

6. 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.
7. As such, the Government has established additional regulations in a number of related areas.
8. Previous powers were granted under the Health Protection (Coronavirus, Business Closures) (England) Regulations 2020. The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 expands on these powers.

KEY INFORMATION

9. 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.
10. The new regulation also relates to these matters, and the Council, along with other local authorities, has therefore been designated as an enforcement body for these regulations.
11. 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.
12. 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

13. **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 the Health Protection (Coronavirus, Restrictions) Regulations 2020. **This is the**

recommended option as it will enable the Council to effectively enforce these regulations.

14. **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 the Health Protection (Coronavirus, Restrictions) Regulations 2020. **This is not the recommended option** as it will not enable the Council to effectively enforce these regulations.

LEGAL IMPLICATIONS

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

EQUALITIES IMPLICATIONS

16. 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.
17. 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.
18. The Council and its officers will have regard to these obligations in the conduct of its activities.

COMMUNICATION IMPLICATIONS

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