

Strong Leader Decision

Title:

Health Protection (Coronavirus, Restrictions) Regulations 2020 - Delegated authority to enforce

Background:

Summary of the Report considered by the Leader of the Council

This report recommends 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.

This will enable the Council to effectively enforce the health protection regulations with regard to coronavirus and business closures.

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.

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.

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.

Consultation:

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

Decision(s):

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.

Reason(s) for decision:

The decision enables the Council to effectively enforce the health protection regulations with regard to coronavirus and associated restrictions.

Alternative option(s):

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 was not the recommended option as it would not have enabled the Council to effectively enforce these regulations.

Statutory Powers:

The Public Health (Control of Disease) Act 1984 establishes powers with regard to the control of disease.
The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 establishes additional powers relating to the closure of businesses, along with restrictions on movement and gatherings.

Declarations of interest:

Please refer to the [Code of Conduct](#) for guidance on interests.

Authorised by Councillor M.A. Brunt, Leader of the Council

Signature.....Date.....