

1 MAY 2020

DELEGATION OF POWERS – HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (ENGLAND) REGULATIONS 2020

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to provide an update on new legislation which has been introduced as part of the national response to the coronavirus pandemic, to require the closure of certain businesses where people gather, as well as placing restrictions on businesses and venues which do remain open, in order to protect against the risks to public health arising from the virus.
- 1.2 The report also requests an update to the Council's Scheme of delegations to officers to allow for enforcement of the provisions of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 ('the Regulations').

2. LEGISLATIVE CHANGES

- 2.1 The Regulations came into force on 26 March 2020 and are made by the Secretary of State under powers conferred on them by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984. The Regulations expire at the end of the period of six months beginning with the day on which they came into force.
- 2.2 The Regulations are broad, requiring the closure of certain premises and businesses during the coronavirus emergency, the closure of non-businesses and premises, as well as placing restrictions on the movement of individuals, and on gatherings.
- 2.3 The Regulations specify a number of premises and businesses which must close during the emergency, subject to a number of exemptions. In broad terms, those premises which must close include:
 - Restaurants, cafes, public houses and bars;
 - Cinemas, theatres and nightclubs;
 - Betting shops, casinos and bingo halls;
 - Spas, nail, beauty salons, barbers, tattoo and piercing parlours;
 - Skating rinks, gyms, swimming pools, bowling alleys, and;
 - Funfairs and playgrounds.
- 2.4 Businesses which may remain open include:
 - Food retailers, off-licences, newsagents;
 - Pharmacies;
 - Homeware, building supplies and hardware stores;
 - Petrol stations and car repair;
 - Banks and post offices;
 - Taxi and vehicle hire businesses;
 - Medical services, veterinary surgeons and pet shops

- 2.5 The Regulations allocate enforcement responsibilities to designated officers of local authorities in relation to the requirements placed on businesses and venues to close whilst the restrictions are in place. Provisions relating to restrictions on the movement of individuals and restrictions on gatherings are enforced by the police.
- 2.6 The Regulations give designated officers the ability to serve a prohibition notice on a person who is contravening the requirements of the Regulations to prevent them from continuing the contravention. In addition, a designated officer may issue a fixed penalty notice to anyone reasonably believed to have committed an offence under the Regulations, as a means of discharging any liability to conviction for the offence by payment of the fixed penalty.

3. REQUEST FOR DELEGATION OF POWERS

- 3.1 New Forest District Council is an enforcing authority in the New Forest District for the purposes of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.,
- 3.2 The following powers are recommended to be delegated to respective posts.

Source	Power Delegated	Delegated to
The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020	To be a designated 'relevant person' and 'authorised person' and to administer and enforce the provisions of the Regulations.	Executive Head, or Chief Planning Officer, or Service Manager, or Team Manager (Food and Safety, Environmental Protection, or Licensing), or Environmental Health Officer, or Licensing Compliance Officer.

4. FINANCIAL IMPLICATIONS

- 4.1 Within constraints placed on the Food and Safety Team in the current circumstances the implementation of the new legislation will not increase the staffing resource.

5. ENVIRONMENTAL CRIME & DISORDER EQUALITY & DIVERSITY IMPLICATIONS

- 5.1 No implications.

6. CONCLUSION

- 6.1 The Regulations provide local authorities with powers to ensure that measures can be taken where necessary to force businesses and other premises to close, to restrict the spread of the virus during the coronavirus emergency. Local authorities are given powers to prohibit the use of all or part of a business or other premises, and to serve fixed penalty notices in respect of offences.

7. RECOMMENDATIONS

7.1 That the delegation of powers to officers as set out at paragraph 3.2 of this report are agreed.

8. PORTFOLIO HOLDER ENDORSEMENT

8.1 I have agreed to the recommendation of this report.

Sign: CLLR A J HOARE

Date: 1 MAY 2020

For further information contact:

Ben Stockley
Food and Safety Team Manager
023 8028 5588
ben.stockley@nfdc.gov.uk

Background Papers:

None

Joanne McClay
Environmental & Regulation Service Manager
023 8028 5588
joanne.mcclay@nfdc.gov.uk

None

Date on which notice given of this Decision – 1 May 2020