

WAVERLEY BOROUGH COUNCIL

EXECUTIVE

12 MAY 2020

Title:

**Amendment to the Scheme of Delegation
Heath Protection (Coronavirus, Restrictions) (England) Regulations 2020
Public Health (Control of Diseases) Act 1984**

Portfolio Holder: Councillor Nick Palmer, Portfolio Holder for Operational and Enforcement Services

Head of Service: Richard Homewood,
Head of Environmental & Regulatory Services

Key decision: No
Access: Public

1. Purpose and summary

- 1.1 To seek approval for an amendment to the Scheme of Delegation to authorise officers to act in respect of new legislation introduced by the Government relating to the Covid-19 pandemic for the purpose of reducing public health risks posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

2. Recommendation

- 2.1 It is recommended that the Executive amend the Scheme of Delegation to include the designation under to:

- the Head of Environmental and Regulatory Services,
- the Head of Housing Delivery and Communities,
- the Head of Housing Operations, and,
- the Head of Planning and Economic Development

as authorised persons under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure)(England) (Regulations 2020 ('the Business Closure Regulations') and the Health Protection (Coronavirus, Restrictions)(England) Regulations 2020('the Restriction Regulations') and any updating and or amending legislation.

- 2.2 It is recommended that the designation at 2.1 is also extended to officers employed within specified service teams of the Council namely environmental health, environmental protection, environmental enforcement, licensing, housing management operations, private sector housing and planning enforcement.

3. Reason for the recommendation

To enable officers to enforce the regulations effectively and efficiently where appropriate.

4. Background

- 4.1 The Secretary of State designated police officers and local authority officer under regulation 4(1) and (2) of the Business Closure Regulations and these designations continue for the purpose of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (SI no 350 of 2020). The Restriction Regulations made under the Public Health (Control of Disease) Act 1984 introduced requirements for certain categories of business to close and restrictions on movement and gatherings outside of the home in order to limit spread of SARS-CoV-2
- 4.2 Regulations 4 and 5 set out the requirements for businesses to close which are enforceable by the local authority, amongst others. Regulations 6 and 7 relate to restrictions on movement and on gatherings.
- 4.3 Whilst the police can also enforce these new regulations, the police have said that they intend to lead on regulations 6 and 7 (restrictions on movement and gatherings) whilst the local authority would be expected to lead on regulations 4 and 5 (business closures). Government guidance also suggests that the local authority (especially Environmental Health teams) should tend to lead on regulations 4 and 5.
- 4.4 The current delegations to the Head of Environmental and Regulatory Services in relation to the Public Health (Control of Disease) Act 1984 exclude functions relating to the health protection regulations and do not therefore cover the designation of these new powers to officers.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 Designation of these powers will enable the Council and its officers to protect and support Waverley's communities by helping to reduce the public health risks posed by the spread of SARS-CoV-2 which causes the disease Covid-19.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

There are no additional finance, procurement, staffing or IT implications.

6.2 Risk management

Designation of these powers will enable a prompt response to any breach of the regulations. Without the delegation there would be delays in ensuring businesses complied with the requirements of the Regulations in pursuit of the protection of public health.

6.3 Legal

The Public Health (Control of Disease) Act 1984 and regulations made under it provide a legislative framework for health protection in England and Wales. Part 2A of the 1984 Act as inserted by the Health and Social Care Act 2008 provides a legal basis to protect the public from threats arising from infectious disease and includes powers to impose restrictions or requirements on people and in relation to premises for use in rare circumstances where voluntary cooperation cannot be obtained. The amended 1984 Act sets out the framework for health protection requiring detailed provisions to be delivered through regulations. Section 45C of the 1984 Act provides a power for the appropriate Minister to make regulations to prevent, protect against, control or provide a public health response to the incidence or spread of infection in England. The Secretary of State has designated police officers and local authority officers under regulation 4(1) and (2) of the Health Protection (Coronavirus, Business Closure)(England) Regulations 2020 and those designations continue for the new Restriction Regulations. The report outlines the measures to enable the Council to monitor and enforce the regulations to reduce the public health risks posed by the incidence and spread of severe acute respiratory coronavirus 2 (SARS-CoV-2)

6.4 Equality, diversity and inclusion

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

The recommendation of this report will not affect the aims of the Council's Climate Emergency declaration.

7. Consultation and engagement

7.1 There has been no public consultation in relation to this report.

8. Other options considered

8.1 None

9. Governance journey

9.1 Executive Decision will be implemented.

Background Papers

the Public Health (Control of Disease) Act 1984

the Health Protection (Coronavirus, Business Closure)(England) Regulations 2020 (SI 327/2020)

the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (SI 350/2020)

Government guidance in relation to Covid-19 is available at www.gov.uk/coronavirus which includes information in relation to closures and restrictions on movements and gatherings under the regulations.

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