

WRITTEN STATEMENT OF DECISION BY CHIEF EXECUTIVE

SECTION A

DATE OF DECISION: 30th March 2020
PORTFOLIO AREA: Corporate Portfolio
SUBJECT TITLE: Appointment of officers to enforce The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Officer: Roger Tetstall
Title: Chief Executive

Pursuant to Delegated Powers as set out in paragraph (2) of “Delegations to Chief Executive” in Part 3 of the Constitution, namely

“To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to the discharge of the Council’s functions subject to:

- (i) the matter being regarded as an emergency or urgent situation; and
- (ii) a report back to the Council, Cabinet or Committee concerned. “

SECTION C – SUMMARY

Background

The Health Protection (Coronavirus, Business Closure) Regulations 2020 (“the first Regulations”) were made and came into effect at 2pm on Saturday 21st March 2020.

The Regulations listed the categories of business which must close or otherwise restrict their operations during the Coronavirus emergency, prescribed penalties and offences for contravention of the Regulations and provided that a person designated by the Secretary of State may take such action as necessary to enforce a closure or restriction.

On Sunday 22nd March 2020 the Secretary of State for Health and Social Care designated “an officer appointed by a local authority to enforce the Business Closure Regulations is designated by the Secretary of State, to take such action as is necessary to enforce a closure or restriction imposed by those Regulations”. This Council appointed officers accordingly by way of decision dated 23rd March 2020.

On 26th March 2020 The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (‘the Regulations’) came into force. They *repealed* the first Regulations made only a few days earlier and, amongst other provisions, extended the categories of premises for closure to include a further nineteen categories. The Secretary of State’s designation of officers appointed by a local authority to take enforcement action applies to the new Regulations.

Due to the first Regulations being repealed rather than amended, it is now necessary for the Council to re-appoint officers under the 'new' Regulations.

There continues to be no convenient meeting of the Council at which this decision could be considered and legislation is still awaited prescribing how such meetings are to be dealt with during this time of emergency and social distancing. This remains an emergency or urgent situation as contemplated by the Delegated Powers referred to above. In order that the Council may enforce the Regulations should the need arise, officers must be urgently appointed.

It is considered (as previously) that officers comprising the following post-holders should be appointed:

Environmental Health Manager – 50360920
Licensing Manager - 50361447
Principal Environmental Health Officer - 50360919
Senior Environmental Health Officer - 50360931
Senior Environmental Health Officer - 50360927
Senior Health Protection Officer - 50360928
Senior Environmental Health Officer - 50360930
Principal Environmental Health Officer - 50360918
Senior Environmental Health Officer - 50360922
Environmental Protection Officer - 50360925

SECTION D – THE DECISION

"That the following post-holders are appointed to enforce The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, any amendments thereto, or replacement Regulations made under the Public Health (Control of Disease) Act 1984:

Environmental Health Manager – 50360920
Licensing Manager - 50361447
Principal Environmental Health Officer - 50360919
Senior Environmental Health Officer - 50360931
Senior Environmental Health Officer - 50360927
Senior Health Protection Officer - 50360928
Senior Environmental Health Officer - 50360930
Principal Environmental Health Officer - 50360918
Senior Environmental Health Officer - 50360922
Environmental Protection Officer – 50360925"

SECTION E – REASONS FOR THE DECISION

The decision-maker's reasons for making the decision recorded in Section D:

Urgent Regulations were made over the weekend of 21st and 22nd March 2020 requiring closure or restriction of certain business in response to the Coronavirus emergency. The Secretary of State has designated 'officers appointed by local authorities' as persons who may enforce the Regulations.

The Regulations made on 26th March 2020 expanding the categories of businesses to close, instead of amending the first Regulations, repealed them in their entirety and replaced them with the new and very similarly, but differently named (the words 'Business Closure' being replaced by 'Restrictions') Regulations.

It is therefore necessary to re-appoint officers to enforce the new Regulations. The decision is worded to as to capture any similar future repeals without the need for reappointment of officers

SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The options are:

1. to appoint officers to enforce the Regulations; or
2. not to appoint officers.

If enforcement officers were not appointed, the Regulations would be undermined, the ability to enforce breaches would be limited and public safety jeopardised.

SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

SECTION H – BACKGROUND PAPERS

The following background papers were taken into consideration when making the decision:

1. The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020.
2. Designation by the Secretary of State for Health and Social Care sated 22nd March 2020.
3. The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.

SECTION I – Any Conflict of Interest Declared and Dispensation Granted

None applicable.

We certify that the decision this document records was made Pursuant to Delegated Powers as set out in paragraph (2) of "Delegations to Chief Executive" in Part 3 of the Constitution and is a true and accurate record or minute of that decision.

Chief Executive:

Dated:

The Leader of the Council

Dated:

