



**TITLE OF CONSULTATION:** THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) REGULATIONS 2020 – OFFICER AUTHORISATION

**OFFICER REQUESTING:** PHILLIP SPURR – PROGRAMME DIRECTOR FOR ECONOMIC DEVELOPMENT, BUSINESS AND PARTNERSHIPS

### **1.0 PURPOSE**

1.1 Arrangements need to be made to authorise Officers of Ryedale District Council to enforce The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 because current authorisations under the Public Health (Control of Diseases) Act 1984 does not cover CoVid-19.

1.2 Under the Council's Officer Scheme of Delegation and the above Regulations there is a requirement to designate relevant officers to ensure they are specifically authorised to act under these Regulations.

### **2.0 RECOMMENDATION(S)**

2.1 It is recommended that:

- (i) Authorisation is granted to designate the following officers to enforce The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020:
  - a. Robert Robinson
  - b. Matthew Pawson
  - c. Keith White
  - d. Mark Heaton
  - e. Serena Williams

### **3.0 REASON FOR RECOMMENDATION(S)**

3.1 The current authorisations under the Public Health (Control of Diseases) Act 1984 do not cover powers under the new regulations and therefore specific designations of the above officers are required in order for the officers to go about their duties to close relevant premises as defined in the regulations and to make sure they remain closed during the emergency period.

3.2 Without providing specific designations, the officers cannot use the powers contained in the regulations. Powers to:

- Issue a Prohibition Notice
- Issue a Fixed Penalty Notice

3.3 The Head of Customer Services has been consulted and is in agreement that the five officers named above provides sufficient resource and resilience to undertake this work.

#### **4.0 SIGNIFICANT RISKS**

4.1 The risk is minimal, the significant risk here is that if the authorisation is not granted then the Officers named above cannot enforce the new Regulations.

#### **5.0 IMPLICATIONS**

5.1 The following implications have been identified:

- a) Financial  
There are no financial implications
- b) Legal  
The appropriate power has been granted under the new legislation
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)  
All 5 officers should be given the same powers.

## 6.0 MONITORING OFFICER ADVICE

As this decision requires amendments to the Constitution, both the delegated powers listed under the Policy and Resources Committee Terms of Reference and the Officer Scheme of Delegation, which would normally have been considered by Full Council, consultation is required with the Leader. The Chair of Council has been informed but there is no need for consultation as this is a matter of substance and not of process.

## 7.0 CONSULTATION RECORD

According to the Constitution, under urgency powers, decisions usually taken by the Council and its committees are taken by the CEO following consultation with the appropriate elected members.

The appropriate elected members are:

- The Leader of the Council
- The Chair of the appropriate committee, for matters relating to that specific committee<sup>1</sup>
- Relevant Ward member(s), if any, for matters of particular relevance to that ward<sup>2</sup>

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|--|----------------------|
| Name of consultee  | Cllr Duncan – Leader |
| This is urgently required to allow officers to ensure compliance with regulations aimed at protecting public health. A common-sense approach should be taken, with enforcement action as a very last resort. |                      |
| Date consultation completed  | 07-04-20             |

## 8.0 DECISION

|   |                               |
|---|-------------------------------|
| Decision of the CEO based on consultation | The recommendation is agreed. |
| Date                                      | 07-04-20                      |

<sup>1</sup> “Chairman of the appropriate Committee” refers to committee specific matters and does not mean that all Committee Chairs will be consulted on everything

<sup>2</sup> “Relevant Ward Member(s), if any” refers to ward specific matters and does not mean that all Members will be consulted on everything