

<b>CONSENT TO URGENT DECISION</b>	<b>PART 1</b> (to be completed by the person seeking consent)	
<b>Proposed Decision Maker</b> <i>(please name person or body proposing to take decision, if an officer also state title)</i>		<b>Date for Decision</b>
Councillor Izzi Seccombe – Leader of the Council		21 October 2020
<b>Title:</b>  <b>Delegation of Coronavirus Powers</b>		
<b>Summary of Matter</b>  <p>On 31 July, the Leader delegated the functions of the County Council under the Health Protection (Coronavirus, Restrictions) (England) (No. 2) Regulations 2020 ("the No 2 Regulations") being the functions related to the enforcement of closures and operation of businesses during the pandemic, to the Strategic Director for Communities. The Leader also delegated the functions of the County Council under the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 ("the No 3 Regulations") which empower the County Council to give directions imposing prohibitions, requirements or restrictions in relation to access to premises or outdoor public places and to the holding of events to the Chief Executive. These delegations replaced earlier delegations under the initial "lockdown" Regulations made by the Leader on 31 March and they remain in effect.</p> <p>The Strategic Director for Communities and the Chief Executive have both designated Trading Standards Officers and Test and Trace Regulatory Services Officers to exercise enforcement powers including issuing prohibition notices and fixed penalty notices.</p> <p>Since the last decision made by the Leader, there have been six more sets of Regulations conferring Coronavirus-related functions on the County Council including three sets of Regulations introducing the three tier system announced on 12 October. The officers who were designated under the No 2 and No 3 Regulations are also deemed to be designated for the purpose of enforcing five of the six subsequent sets of Regulations.</p> <p>The exception is the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations ("the Contacts Regulations"), which are not within the scope of the July delegations and (possibly as a result of a drafting oversight by the Government) do not contain any transitional or savings provisions.</p> <p>The Contact Regulations impose requirements on people providing specified services or activities to make available a QR Code at their premises or to collect contact details from people entering the premises; to deal appropriately with those details, to refuse entry if someone fails to supply details and to supply details when requested by the Secretary of State (NHS) or a designated public health consultant.</p> <p>The role of local authorities is to enforce these requirements through issuing fixed penalty notices or prosecuting offenders and the Government has assigned the lead role in Warwickshire to the County Council.</p> <p>As noted in the report it is intended to bring a report to the Leader to consolidate delegations for all the Regulations and to "future-proof" delegations so that any further legislation conferring functions on the County Council in relation to the management of Coronavirus will be automatically delegated to officers without waiting for a Leader decision. However, under the ordinary processes, and allowing for the call in period, any delegation made by means of that report could not come into effect before the start of November. In light of ongoing enforcement work, it is necessary for designated officers to be in a position to issue fixed penalty notices before the latter part of the week commencing 19 October. Given the importance of effective enforcement during the current emergency, any delay beyond then is likely to seriously prejudice the public interest.</p> <p>It is proposed to make the delegation to the Strategic Director for Communities. The No 3 Regulations were delegated to the Chief Executive because they conferred powers to impose local restrictions with potentially far-reaching implications for businesses and personal freedoms. However, the functions under the Contact Regulations involve enforcing restrictions that have already been determined at a national level and are more operational in nature.</p>		

## Proposed Decision

The Leader is recommended to:

- (1) delegate the functions of the County Council under the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 (other than any power to prosecute) to the Strategic Director for Communities and his nominees and add those functions to paragraph 4 of the entries relating to Trading Standards in Part 2 Section 10 of the Constitution;
- (2) confirm (for the avoidance of doubt) that the Strategic Director for Communities is authorised to exercise the functions of the County Council under the above Regulations and any future modification or re-enactment thereof and to do so on behalf of the County Council whether in its capacity as a person designated by the Secretary of State or as a local authority within the meaning of the Regulations.

## Reasons for urgency

An urgent decision is required in order to ensure that the Council can fulfil its functions as set out within the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020. Due to ongoing enforcement work, it is necessary for designated officers to be in a position to issue fixed penalty notices before the latter part of the week commencing 19 October. Given the importance of effective enforcement during the current emergency, any delay beyond then is likely to seriously prejudice the public interest.

Whilst it is intended to bring a report to the Leader to consolidate delegations for all the Regulations and to “future-proof” delegations so that any further legislation conferring functions on the County Council in relation to the management of Coronavirus will be automatically delegated to officers without waiting for a Leader decision the timescales for that decision and allowing for the call in period, any delegation made by means of that report could not come into effect before the start of November which would prejudice the aforementioned enforcement activity

## Would the recommended decision be contrary to the Budget and Policy Framework?

*[please identify relevant plan/budget provision]*

No

## PART 2 (to be completed by the person giving consent)

**Name**

**Councillor Wallace Redford**

**Office Held**

**Chair of the Adult Social Care and Health Overview and Scrutiny Committee**

*Signed*



**Date consent is given**

19 October 2020