

 Council 20 May 2020		Agenda Item No. 10(d)
Title	Minor Amendments to the Scheme of Delegation – To include The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020	
For further information about this report please contact	Marianne Rolfe 01926 456700 marianne.rolfe@warwickdc.gov.uk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	NA	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		Chris Elliott
Head of Service		Marianne Rolfe
CMT		
Section 151 Officer		Andrew Jones
Monitoring Officer		
Finance		Mike Snow
Portfolio Holder(s)		Judy Falp
Consultation & Community Engagement		
Final Decision?	No	
Suggested next steps (if not final decision please set out below)		
If approved Council will need to amend the Constitution.		

1. **Summary**

- 1.1 The report brings forward minor amendments to the Officer Scheme of Delegation to reflect the Regulations brought in on 21 March 2020 to enforce closure of premises due to the Covid-19 pandemic.

2. **Recommendation**

- 2.1 That Council notes the Secretary of States Designation letter (Appendix 2)
- 2.2 That Council ratifies the decision of Group Leaders and the Chairman and agrees to amend the Constitution to the Scheme of delegation as set out at Appendix 1 to the report as approved by the Leader.

3. **Reasons for the Recommendation**

- 3.1 Regulations to enforce closure of premises have been made under Public Health (Control of Disease) Act 1984. These are called the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020).
- 3.2 They provide a criminal sanction (unlimited fine) and enforcement powers to ensure the closure of bars, pubs, restaurants, nightclubs, theatres, cinemas, gyms, museums, spas, massage parlours, bingo, concert halls, casinos, betting shops, indoor skating rinks and swimming pools and leisure centres.
- 3.3 As of 2pm on 21 March 2020, closures are now enforceable by law in England and Wales due to the threat to public health. A business operating in contravention of the Health Protection (Coronavirus, Business Closures) Regulations 2020 will be committing an offence.
- 3.4 The current closure lasts until a direction is given by the Secretary of State and will be reviewed every 28 days to consider their necessity and effectiveness, in light of changing circumstances.
- 3.5 The new Regulations expire at the end of the period of six months.
- 3.6 Designated local authority officer will monitor compliance with these regulations, with police support provided if appropriate. Businesses that breach them will be subject to prohibition notices, and potentially unlimited fines. As a further measure, and if needed, businesses that fail to comply could also face the loss of their alcohol licence.
- 3.7 It is proposed to introduce delegation A (15) to The Head of Health and Community Protection, as set out in Article 12.
- 3.8 These proposals had been due to be considered by the 25 March Council. However, the 25 March Council meeting was cancelled following tight controls on public movement. Therefore, to enable the Council to move forward and following legal advice, the Group Leaders and Chairman agreed to the decisions, subject to them being ratified by Council
- 3.9 Subsequent to the decision by Group Leaders the legislation in question was repealed and replaced by the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020. The delegation has been amended to reflect this, which is permitted to happen without further approval, by both the relevant statute and the Council's Constitution.

4. Policy Framework

4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report forms part of this process as part of the changes made to bring forward the Council's new Business Plan.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
None	None	None
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
The revisions will ensure that the appropriate delegations are in place for the new Heads of Service to use when they start their new roles.	None	None

- 4.2 **Supporting Strategies** - this report does not directly contribute to any supporting policies.
- 4.3 **Changes to Existing Policies** – This report brings forward minor revisions to the scheme of delegation which forms part of the Constitution.
- 4.4 **Impact Assessments** – These have not been undertaken because there is no direct impact of any changes in respect of protected characteristics.
- 5. **Budgetary Framework**
 - 5.1 This report does not impact on the Budgetary Framework or the Budget of the Council.
- 6. **Risks**
 - 6. There are no significant risks associated with the report.
- 7. **Alternative Option(s) considered**
 - 7.1 The Executive could decide not to amend the scheme of delegation as proposed. This would mean the Council would not have the powers to close business that refuses to comply, thus frustrating the limitation of spread of the COVID-19 disease.

Appendix 1

Delegation to multiple but not all Chief Officers as set out in Article 12:

A (15)	to act under the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 to act under Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, enforcing regulation 4, 5, 8, 9 & 10 and take proceedings for offences under regulation 1	Head of Health & Community Protection & Head of Neighbourhoods.
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Department
of Health &
Social Care

1. The Secretary of State makes the following designations in exercise of the powers conferred by regulation 4(1) and (2) of the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 ("the Business Closure Regulations").
2. 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.
3. All police constables are designated by the Secretary of State, to take such action as is necessary to enforce a closure or restriction imposed by the Business Closure Regulations.
4. All Local authorities and all police forces are designated by the Secretary of State as able to bring proceedings for any offence under the Business Closure Regulations.

MATT HANCOCK

Secretary of State for Health and Social Care

22 March 2020

A handwritten signature in blue ink that reads "Matt".