



# COTSWOLD DISTRICT COUNCIL

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>COUNCIL - 18 NOVEMBER 2020</b>
Report Number	<b>AGENDA ITEM 10</b>
Subject	<b>ACCEPTANCE OF DELEGATED POWERS - THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) (NO. 3) REGULATIONS 2020</b>
Wards affected	All
Accountable member	Cllr. Andrew Doherty - Cabinet Member for the Environment, Waste and Recycling Email: <a href="mailto:andrew.doherty@cotswold.gov.uk">andrew.doherty@cotswold.gov.uk</a>
Accountable officer	Patrick Arran, Monitoring Officer Email: <a href="mailto:patrick.arran@cotswold.gov.uk">patrick.arran@cotswold.gov.uk</a>
Summary/Purpose	To accept Coronavirus enforcement powers delegated to the Council by Gloucestershire County Council and to delegate these powers, along with other Coronavirus enforcement powers conferred directly on the Council, to the senior officer with responsibility for Environmental Health.
Annex	Annex A - Extract from Regulations
Recommendations	<i>That Council:</i> <i>a) Accepts the delegation of powers from the County Council;</i> <i>b) Authorises the Interim Head of Legal Services to conclude an agreement to reflect the delegation in accordance with Section 101 Local Government Act 1972.</i>
Corporate priorities	Ensure that all services delivered by the Council are delivered to the highest standard  Help residents, businesses and communities access the support they need to achieve their ambitions
Key Decision	NO
Exempt	NO
Consultees	None

## **1. BACKGROUND**

- 1.1. The Council's Constitution provides at Part C Paragraph (j) that Council has the function of accepting delegations from other authorities
- 1.2. Over recent weeks, the Government has made a series of announcements and implemented new regulations that seek to control the spread of Coronavirus. The success of these measures is critical to avoiding the need for tougher measures.
- 1.3. To ensure the effectiveness of the new measures there is an expectation that local authorities will take proportionate, yet firm, action when breaches are found. Some powers are conferred directly to the Council; others are conferred to the County Council.
- 1.4. The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 give powers to local authorities to give directions in relation to premises, events and outdoor places. However, for reasons unknown, for the purposes of these Regulations, Government has defined local authority as a county council in England. It is therefore necessary for the County Council to delegate authority to the District Council to enable it to make any necessary directions under the Regulations.
- 1.5. A draft agreement has been prepared under section 101 of the Local Government Act 1972 to pass specific enforcement powers from the No. 3 Regulations to the Council. The interim Head of Legal is happy with the terms and to advise the Council to enter into the agreement for the specific period covered by the Regulations
- 1.6. An extract of the relevant powers contained in the Regulations are set out in Annex A.

## **2. FINANCIAL IMPLICATIONS**

- 2.1. Agreeing the new coronavirus regulation powers means they can be exercised by existing staff so no new funding is required however the Council has been provided with some funding by the Government.

## **3. LEGAL IMPLICATIONS**

- 3.1. Any delegation of powers will be contained in a legal agreement. Legal officers have considered the draft provided and can advise Council to authorise officers to sign it.
- 3.2. The functions transferred are time limited under the Regulations to the 17<sup>th</sup> January 2021, but may be extended.

## **4. RISK ASSESSMENT**

- 4.1. Relevant risks were considered at the time of each decision.

## **5. CLIMATE CHANGE IMPLICATIONS**

- 5.1. No direct implications. Indirectly, in carrying out their covid-19 compliance engagement and enforcement work, officers will need to visit premises across the district using private transport. There may therefore be a small increase in carbon emissions linked to business mileage as more proactive visits will be carried out during the pandemic.

## **6. ALTERNATIVE OPTIONS**

- 6.1. None.

## **7. BACKGROUND PAPERS**

- 7.1. None.

(END)