

Part 8

Scheme of Delegations and Designations of Proper Officers

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Scheme of Delegations, Part 8 of the Constitution

(f) In any case where an Officer is appointed or authorised to exercise powers and/or functions under the Scheme of Delegation s/he may

- (i) authorise such other Officer under his or her direct control to exercise the powers and/or functions on his/her behalf as s/he may determine and
- (ii) may make such arrangements for the exercise of such powers and/or functions in the event of his/her being absent or otherwise unable to act, by any other Officer of the Council under his/her direct control as s/he considers appropriate; subject to such authorisation and /or such arrangements being in written form indicating the Officers empowered to exercise the powers and/or functions, and the powers and/or functions involved, and to a copy being lodged with the Chief Legal Officer.

Director of Strategic Development

**Subject/
Enabling Statute**

Authority

Coronavirus Covid-19 Additional Delegations

DSD

C1	The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020; Regulations 2020 SI 350, SI 684, and SI 750.	To delegate power to act in all matters relating to the Health Protection (Coronavirus, Restrictions) (England) Regulations) as long as they remain in effect. (added 11 th September 2020, updated 9 th November 2020)
C2	The Health Protection (Coronavirus Restrictions) (England) Regulations 2020; Regulations 2020: SI 350, SI 684, and SI 750.	To authorise the designation of trading standards officers, licensing officers and public protection officers to act as “designated officers.” (added 11 th September 2020, updated 9 th November 2020)
C3	Closure of businesses during the Covid-19 emergency The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020; Regulations 2020 SI No. 350 Repealed	To authorise “designated officers” to implement the restrictions on businesses and residents as set out in the Regulations for the duration of the emergency. (added 27 th March 2020, updated 11 th September 2020, updated 9 th November 2020)
C4	Closure of businesses during the Covid-19 emergency The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020; Regulations 2020 SI No. 350, SI 684 and SI 750	In conjunction with the Chief Legal Officer, to commence any legal proceedings for those in breach of the Regulations. (added 27 th March 2020, updated 11 th September 2020, updated 4 th November 2020)
C5	Publication of Directions by the Secretary of State preventing or restricting access to public places, regulation 6(9) Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020; Regulation 2020 SI No. 684	To authorise “designated officers” to take steps to ensure Directions made by the Secretary of State are brought to the attention of persons affected by the Direction and to prevent or restrict public access to restricted areas, during the Emergency Period, regulation 6(9). (added 11 th September 2020)

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
Coronavirus Covid-19 Additional Delegations	
DSD	
<p>C6 Closure of premises or businesses during the Covid-19 Emergency Period. Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020; Regulation 2020 SI No. 684</p>	<p>To authorise “designated officers” to use the powers set out in regulation 7 to enforce the requirements in relation to closing premises or businesses, during the Emergency period.</p> <p>(added 11th September 2020)</p>
<p>C7 Closure of premises or businesses during the Covid-19 Emergency Period - Issue of Fixed Penalty Notices Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020; Regulation 2020 SI No. 684</p>	<p>To authorise “designated officers” to issue Fixed Penalty Notices in relation to a breach of regulation 4 (Closure of premises or businesses), regulation 4A (Restriction of opening hours), regulation 4B (Restrictions on service of food or drink for consumption on the premises) or regulation 8(2) (obstruction).</p> <p>(added 11th September 2020) (Amended 21st October 2020)</p>
<p>C8 Directions in respect of premises, events and public outdoor places. Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020; Regulation 2020 SI No. 750</p>	<p>In consultation with the Chief Executive and on the advice of the Director of Public Health, to make and revoke directions in accordance with the regulations, including to restrict access to, or close individual premises, to prohibit certain events and to restrict access or close public outdoor places prohibiting or restricting entry to individual premises.</p> <p>(added 11th September 2020)</p>
<p>C9 Prevention or restriction of access to public places or places to which a direction relates. Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020; Regulation 2020 SI No. 750</p>	<p>To authorise “designated officers” to take reasonable steps to prevent or restrict public access to public places or places to which a direction relates [regulations 6(1), 7].</p> <p>(added 11th September 2020)</p>

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
Coronavirus Covid-19 Additional Delegations	
	DSD
C10 Enforcement of directions Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020; Regulation 2020 SI No. 750	To authorise “designated officers” to take action as is necessary including the issue of Prohibition Notices to enforce directions made [regulation 12(1) and (2)] (added 11th September 2020)
C11 Directions in respect of premises, events and public outdoor places – Issue of Fixed Penalty Notices. Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020; Regulation 2020 SI No. 750	To authorise “designated officers” to issue Fixed Penalty Notices in relation to breaches of regulations 4(1), 5(1), 7(2) and obstructing a local authority designated officer 13(1)(d). (added 11th September 2020)
C12 Collection of contact details and related requirements by businesses and persons in control of businesses during the Covid-19 Emergency Period - Issue of Fixed Penalty Notices. The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020; Regulation 2020 SI No. 1005	To authorise “designated officers” to issue Fixed Penalty Notices in relation to a breach of the requirements under regulations 6 – 8, 10, 11, 13 and 15 (collect, retain, disclose and destroy contact details, as prescribed). (added 21st October 2020)
C13 Restrictions on hospitality undertakings during the Covid- 19 Emergency Period - Issue of Fixed Penalty Notices during the Covid-19 Emergency Period. The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020; Regulation 2020 SI No. 1008	To authorise “designated officers” to issue Fixed Penalty Notices in relation to a breach of the restrictions on hospitality undertakings under regulation 2. (added 21st October 2020)

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
Coronavirus Covid-19 Additional Delegations	DSD
<p>C14 Requirement to self-isolate when tested positive or been in close contact with a person tested positive for Coronavirus – Issue of Fixed Penalty Notices during the Covid-19 Emergency Period. The Health Protection (Coronavirus, Restrictions) (Self-Isolation)(England) Regulations 2020; Regulation 2020 SI No. 1045</p>	<p>To authorise “designated officers” to issue Fixed Penalty Notices in relation to offences under regulations 2, 7 – 10 and for obstructing a local authority “designated officer” 11(3) and for providing false information 11(7). (added 21st October 2020)</p>

C20 To enforce regulations made by the Secretary of State in response to the Coronavirus pandemic pursuant to section 13 (Control of certain diseases) and Part IIA (Public Health Protection) of the Public Health (Control of Disease) Act 1984

Public Health (Control of Disease) Act 1984

To authorise trading standards officers, licensing officers and public protection officers “authorised and/or designated officers” to take any action including enforcement action, as may be authorised by health protection Regulations made by the Secretary of State, from time to time, in response to the Coronavirus pandemic.

(added 9th November 2020)

Chief Legal Officer

***Subject/
Enabling Statute***

Authority

Coronavirus Covid-19 Additional Delegations

CLO

C15	Closure of premises or businesses during the Covid-19 Emergency Period - Prosecution of offences Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020; Regulation 2020 SI No. 684	To commence legal proceedings for breach of the Regulations. (added 11 th September 2020)
C16	Prosecution for breaches of directions Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020; Regulation 2020 SI No. 750	To commence legal proceedings for breach of the Regulations or obstructing a local authority designated officer carrying out a function under the Regulations (added 11th September 2020)
C17	Prosecution for breaches of the requirements of the Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020; Regulation 2020 SI No. 1005	To commence legal proceedings for breach of the Regulations. (added 21st October 2020)
C18	Prosecution for breaches of the requirements of the Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020; Regulation 2020 SI No. 1008	To commence legal proceedings for breach of the Regulations. (added 21st October 2020)
C19	Prosecution for offences under the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020; Regulation 2020 SI No. 1045	To commence legal proceedings for breach of the Regulations. (added 21st October 2020)

<i>Subject/ Enabling Statute</i>	<i>Authority</i>
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Coronavirus Covid-19 Additional Delegations		CLO
C21	<p>Prosecution for breaches of the requirements of regulations made by the Secretary of State in response to the Coronavirus pandemic pursuant to section 13 (Control of certain diseases) and Part IIA (Public Health Protection) of the Public Health (Control of Disease) Act 1984</p>	<p>To commence legal proceedings as may be authorised by health protection Regulations made by the Secretary of State, from time to time, in response to the Coronavirus pandemic.</p> <p>(added 9th November 2020)</p>

Coronavirus Covid-19 Additional Delegations – authorisations

Additions C1 and C2, 27th March 2020

Chief Legal Officer by way of Officer Decision Notice. Consultees: Mr Mayor – Councillor Kevin Parry , Leader of the Council -Councillor David Renard, Councillors Oliver Donachie, Jim Grant, Russell Holland and Stan Pajak

Additions C13 to C19 October 2020

Chief Legal Officer by way of Officer Decision Notice. Consultees: Mr Mayor – Councillor Kevin Parry , Leader of the Council -Councillor David Renard, Councillors Oliver Donachie, Jim Grant, Russell Holland and Stan Pajak

Additions C20 (page 6) and C21 (page 8), amendments to C1, C2 and C4, deletion of C3, page 3) 9th November 2020

Chief Legal Officer by way of Officer Decision Notice. Consultees: Mr Mayor – Councillor Kevin Parry , Leader of the Council -Councillor David Renard, Councillors Oliver Donachie, Jim Grant, Russell Holland and Stan Pajak