

Slough Borough Council Record of Significant Officer Decision

Title of decision	The Health Protection (Coronavirus Restrictions) (Amended) (No.3) Regulations 2020 – Governance and Implementation
Date decision taken	18.08.2020
Decision maker	Alan Sinclair, Director – Adults and Communities in exercise of delegated powers under Function E20/3 in paragraph 2e of the Scheme of Delegation to Officers after consultation with the Leader of the Council and appropriate Executive Members.
Portfolio	<p>Cllr James C. Swindlehurst, Leader of the Council – Regeneration and Strategy</p> <p>Cllr Natasa Pantelic – Health & Wellbeing</p> <p>Cllr Pavitar K. Mann – Planning & Regulation</p> <p>Cllr Balvinder S. Bain – Inclusive Growth & Skills</p>
Details of decision taken	<p>Decision 1: Agree that implementation of the No. 3 Regulations is council policy in line with Slough’s Local Outbreak Management Plan and the national ‘Contain’ framework</p> <p>Decision 2: Agree that identified officers have delegated power under the council’s constitution for these Regulations and officers to be specifically authorised to issue the direction who are already authorised to serve similar ‘Prohibition’ type notices who will be:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The Food & Safety Manager <input type="checkbox"/> The Group Manager – Consumer Protection <p><u>Background</u></p> <p>Council Policy</p> <p>The new powers under the No. 3 Regulations allow the council to issue notifications of directions, following the collation of local evidence and advice from the Director of Public Health. The Regulations are made under the Public Health (Control of Disease) Act 1984 – they complement existing powers under that and other legislation, these functions are not reserved as non-exec functions and are not local choice functions, therefore any policy level decision making should be determined by Cabinet.</p> <p>The council response has already been approved by Cabinet on 30th June 2020 and is detailed in the Slough</p>

Local Outbreak Plan. The No. 3 Regulations also form part of the national CONTAIN framework.

The decision process is managed by the daily and weekly Outbreak Cells of Slough Local Outbreak Management and reported to the Councils Silver/Gold command as the decision making body having first;

- consulted with the Director of Public health, and
- assess whether the conditions for taking action have been met
- completed an equalities impact assessment

The council must have regard to any advice given to it prior to issuing a direction, or to revoke such a direction. The onus is not, and should not be for any one service to make such a decision in isolation. To make any direction is a serious matter, as a direction may potentially restrict people's movement, livelihood and liberty and therefore all 3 conditions must be met, considered and agreed.

The three conditions are:

1. The direction responds to a serious and imminent threat to public health in the local authority's area
2. The direction is necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in the local authority's area of coronavirus
3. The prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose

A formal report setting out the rationale for the decision, including record of advice from Director of Public Health and legal implications, equality duties and impact assessment, and who must be notified. In addition, the Slough Local Outbreak Management Engagement Board will advise on how the direction will be publicised. Before making a direction, local authorities will need to gather sufficient evidence to demonstrate that the tests have been met. This task will be completed by the Regulatory Service Officers who are experienced in collation of legal files and reviewed by the council's legal advisors.

This evidence may come from a range of sources, including information provided to the local authority from local experts, through the Local Resilience Forum, from NHS Test and Trace (including the Joint Biosecurity Centre (JBC)), from Public Health England (PHE) and from other sources.

	<p>Delegation</p> <p>The council's constitution is drafted in an open format meaning that we do not need to seek cabinet authority for every new regulatory function. Table 2e sets out officer delegation for statutory powers and paragraphs E20/1 to 4, specifically E20/2 could be interpreted as giving relevant officers the power to issue directions, as in most of these cases officers down to Level 4 (Heads of Service) have the necessary delegated powers.</p> <p>The council has an internal scheme which sets out which officer is delegated what powers based on their experience; at present the SBC EHOs and regulatory officers are authorised under the No. 3 Regulations.</p> <p>Officers to be specifically authorised to issue the direction and it is suggested that this is reserved for the following officers who are already authorised to serve similar 'Prohibition' type notices:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The Food & Safety Manager <input type="checkbox"/> The Group Manager – Consumer Protection
<p>Reasons for taking decision</p>	<p>It is essential that the council has the agreed powers to implement the No 3 Regulations in place as soon as possible. A delay until the Cabinet meeting on 14th September 2020 would critically impede the council's ability, following advice from the Director Of Public Health, to ensure local COVID 19 controls.</p>
<p>Options considered</p>	<p>Silver have assessed and considered two papers on this issue.</p>
<p>Details of any conflict of interest, disclosable pecuniary interest or personal interest declared</p>	<p>No conflict of interests apply.</p>
<p>Reports considered</p>	<p>Please see links below:</p> <p>https://www.gov.uk/government/publications/local-authority-powers-to-impose-restrictions-under-coronavirus-regulations</p> <p>https://www.gov.uk/government/publications/containing-and-managing-local-coronavirus-covid-19-</p>

	<u>outbreaks/covid-19-contain-framework-a-guide-for-local-decision-makers</u>
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SCHEDULE OF 'SIGNIFICANT' OFFICER DECISIONS – To be circulated monthly to all Members and published on the website

1. Tenders/Contracts over £50,000 or 'sensitive' excluding individual social services care packages and school placements.
2. Exemptions to Competitive Tendering.
3. Redundancies/Early Retirements above 5 in Service area*
4. Decision to commence formal organisational restructuring/consultation.
5. Consultation responses other than technical responses where officers asked for Member views.
6. Write-off of individual debts between £5,000 and £15,000.
7. Decisions arising from external report on significant Health and Safety at Work Act risk.
8. Compulsory Purchase Orders.
9. Action with regard to Petitions in accordance with the Council's Petition Scheme
10. Any exceptions made to the Council's agreed tender procedure as set out in Financial Procedure Rules
11. Consultancies over £5,000 (excluding cover for established posts) or any consultancy/employment offered to former Senior Officers of the Council of 3rd tier and above.
12. Other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.
13. Appointments to casual vacancies on committees, sub committees, Panels, Working Parties and outside bodies
14. Specific decisions that have been delegated to a particular officer by resolution at a Cabinet meeting to be taken following consultation with the relevant Commissioner

*Decisions taken on the Redundancy/Early Retirement of a senior level officer to be reported to Group Leaders, Cabinet and Employment and Appeals Committee.