

**Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd**

**Democratic Services
Gwasanaethau Democrataidd**

Decision Notice

CABINET - URGENCY ACTION , WEDNESDAY, 1ST APRIL, 2020

Please see below approval of decision as follows:

1. **Enforcement Policy - Urgency Action - 12TD (Pages 3 - 10)**

Confirmation Of The Council's Approach To Enforcement Under
The Health Protection (Coronavirus Restrictions)(Wales)
Regulations 2020

That the enforcement strategy set out in Appendix 1 of the
attached report, in respect of the Health Protection (Coronavirus
Restrictions)(Wales) Regulations 2020, be approved.

For Immediate Implementation

Yours sincerely

Tammie Davies

p.p Chief Executive

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

CABINET

31st March 2020

**Report of the Assistant Chief Executive and Chief Digital Office –
Mrs K Jones, Head of Planning and Public Protection – Mr C Morris
and Head of Legal Services – Mr C Griffiths**

Matter for Decision

Wards Affected: All

CONFIRMATION OF THE COUNCIL'S APPROACH TO ENFORCEMENT UNDER THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS)(WALES) REGULATIONS 2020

Purpose of Report

- 1 To seek approval of Neath Port Talbot County Borough Council's ("the Council") enforcement policy under the Health Protection (Coronavirus Restrictions)(Wales) Regulations 2020 ("the Regulations").

Executive Summary

- 2 This report seeks to set out the strategy the Council will engage in to enforce the new powers that have been given to it under the Regulations which is consistent with the approach being adopted by South Wales Police, following a strategy of:
 - **Engage**
 - **Explain**
 - **Encourage**
 - **Enforce**

Background

- 3 The Council has a key role to play in responding to the national public health emergency presented by the spread of the Covid-19 virus.
- 4 One of the functions the Council has in responding to the emergency is to exercise regulatory and enforcement powers which have been established under the Regulations. These have been provided by the Government to enforce social distancing and other measures designed to stem the spread of the virus and protect the NHS and to save lives in our communities.
- 5 The Council is categorised as a “relevant person” under the Regulations capable of enforcing four elements of the Regulations, namely:
 - a) The requirement to close premises and businesses during the emergency period.
 - b) Restrictions on certain other businesses and services during the emergency period.
 - c) Restrictions on places of worship, crematorium and community centres.
 - d) The unauthorised use of footpaths that have been declared closed for the duration of the emergency period.
- 6 Under the Regulations, the Council may serve a prohibition notice to a person that it deems is in breach of the requirements listed in paragraph 5 above and to direct that the person follow such instructions as the Council considers necessary.
- 7 The Council is also provided with the power to issue a fixed penalty notice up to the value of £120 (dependant on the breach that has arisen).
- 8 Many of the county borough’s residents and businesses are demonstrating a good level of compliance with the measures in force. However, there remains a significant minority who are not complying.
- 9 The approach the Council will take to exercising its enforcement powers will be aligned with the approach being taken by South Wales Police using the framework:
 - **Engage**

- **Explain**
- **Encourage**
- **Enforce**

- 10 The Council will seek to gain voluntary commitment from our residents and businesses to the social distancing and other emergency measures being implemented by the Government in the first instance, by engaging with our public, explaining the risks of not complying with the measures in force and encouraging people to comply.
- 11 Enforcement will be a last resort, but where we believe there is a significant risk to the NHS and the health and safety of our residents, it is proposed to use the enforcement powers available to us.
- 12 Complaints will be processed in accordance with our standard procedures, eg licensing matters will be dealt with by Licensing Department, anti-social behaviour complaints will be dealt with by the Community Safety Team and environmental health and trading standards matters dealt with by that team.
- 13 The Council will ensure consistency of approach across all of our regulatory functions by sharing all complaints received on a weekly basis, in a tasking and co-ordinating group, chaired by the Head of Planning and Public Protection. The tasking and co-ordinating group will assess the risk posed by those complaints to the NHS and to the public health and safety of our residents and then determine whether action is required. We will follow the engage, explain, encourage and enforce framework when mobilising action. The group will be organised and supported by the Anti-Social Behaviour Co-ordinator
- 14 In the event that there is an imminent and significant threat to public health and security we reserve the right to move directly to enforcement.

Financial Impact

- 15 None

Integrated Impact Assessment

- 16 An integrated impact assessment is not required for this decision as it merely establishes a protocol to follow. Consideration to all such impacts will be had when measures are considered for enforcement.

Workforce Impact

- 17 None.

Legal Impact

- 18 Requirement must be had at all times with the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020.

Crime and Disorder Impact

- 19 Section 17 of the Crime and Disorder Act 1998 places a duty on the Council in the exercise of its functions to have “due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment). This report and policy is consistent with these obligations as it sets out how the Council will work with its partners and the community at large to enforce the measures set out in the Regulations and to ensure steps are taken to ensure compliance with the aforementioned Regulations.

Risk Management

- 20 None.

Consultation

- 21 There is no requirement under the Constitution for external consultation on this item.

Recommendation(s)

- 22 That Members endorse the enforcement strategy set out in Appendix 1 of this report in respect of the Health Protection (Coronavirus Restrictions)(Wales) Regulations 2020

Reason for Proposed Decision(s)

- 15 To ensure that a clear enforcement strategy is developed to in responding to the national public health emergency presented by the spread of the Covid-19 virus

Implementation of Decision

- 16 The decision is proposed for implementation immediately.

Appendices

- 17 Appendix 1 – Enforcement Policy.

List of Background Papers

- 18 None.

Officer Contact

- 19 Karen Jones, Assistant Chief Executive and Chief Digital Officer
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Neath Port Talbot County Borough Council
Enforcement Policy – Covid-19 National Emergency

1. The Council has a key role to play in responding to the national public health emergency presented by the spread of the Covid-19 virus.
2. One of the functions the Council has in responding to the emergency is to exercise regulatory and enforcement powers. These have been provided by the Government to enforce social distancing and other measures designed to stem the spread of the virus and protect the public health and safety of our communities. These include:
 - a. The power to close premises and businesses during the emergency period.
 - b. The power to close or place restrictions on certain other businesses and services during the emergency period.
 - c. The power to close or place restrictions on places of worship, crematorium and community centres.
 - d. The power to restrict the use of footpaths that have been declared closed for the duration of the emergency period.
3. Many of the county borough's residents and businesses are demonstrating a good level of compliance with the measures in force. However, there remains a significant minority who are not complying.
4. The approach the Council will take to exercising its enforcement powers will be aligned with the approach being taken by South Wales Police using the framework:

Engage

Explain

Encourage

Enforce

5. The Council will seek to gain voluntary commitment from our residents and businesses to the social distancing and other emergency measures being implemented by the Government in the first instance, by engaging with our public, explaining the risks of not complying with the measures in force and encouraging people to comply.
6. Enforcement will be a last resort, but where the Council believes there is a significant risk to the NHS and the health and safety of our residents, it is proposed to use the enforcement powers available to us.
7. Complaints will be processed in accordance with the Council's standard procedures, eg licensing matters will be dealt with by Licensing Department, anti-social behaviour complaints will be dealt with by the Community Safety Team, environmental health and trading standards matters dealt with by that team etc.
8. The Council will ensure consistency of approach across all regulatory functions by sharing all complaints received on a weekly basis, in a tasking and co-ordinating group, chaired by the Head of Planning and Public Protection. The tasking and co-ordinating group will assess the risk posed by those complaints to public health and security and then determine whether action is required. The Council will follow the engage, explain, encourage and enforce framework when mobilising action. The group will be organised and supported by the Anti-Social Behaviour Co-ordinator
9. In the event that there is an imminent and significant threat to public health and security the Council reserves the right to move directly to enforcement.