

# NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

## CABINET

18 September 2020

### Report of the Head of Planning and Public Protection – Mr C Morris and Head of Legal Services – Mr C Griffiths

#### Matter for Decision

Wards Affected: All

#### Enforcement under the Health Protection (Coronavirus Restrictions)(Functions of Local Authorities etc.)(Wales) Regulations 2020

#### Purpose of Report

- 1 That Members authorise the Director of Environment and Regeneration, Director of Finance and Corporate Services, Head of Planning and Public Protection and Head of Legal Services and any officers so designated by them to serve a premises direction, event direction, public place direction, undertake the closure of public paths and access land, take action for non-compliance, issue fixed penalty notices and take any action so designated to a local authority pursuant to the Health Protection (Coronavirus Restrictions)(Functions of Local Authorities etc.)(Wales) Regulations 2020

#### Executive Summary

- 2 On the 14<sup>th</sup> September 2020, Cabinet approved delegated authority to officers to issue notices to control premises, events and public places in their areas to help control coronavirus within their areas pursuant to the Health Protection (Coronavirus Restrictions)(Functions of Local Authorities)(Wales) Regulations 2020
- 3 On the 17<sup>th</sup> September 2020, the Welsh Government revoked these Regulations on the basis that there was a failure to consider some relevant legal provisions.
- 4 These Regulations have now been replaced by the Health Protection (Coronavirus Restrictions)(Functions of Local Authorities etc.)(Wales) Regulations 2020 (“the Regulations”) which again have been made “in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales”. The Regulations provide local authorities in Wales with powers to control premises, events and public places in their areas to help control coronavirus within their areas. This includes closing premises and public

places and stopping events where necessary. There is no difference in content to the older Regulations.

- 3 Authority is sought for powers to be delegated to officers to service notices under the Regulations where the requirements are met.

## **Background**

- 4 The Health Protection (Coronavirus Restrictions)(Functions of Local Authorities etc.)(Wales) Regulations 2020 (“the Regulations”) have been made “in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales”. The Regulations provide local authorities in Wales with powers to control premises, events and public places in their areas to help control coronavirus within their areas. This includes closing premises and public places and stopping events where a local authority is of the view that a direction is required in light of a serious and imminent threat to public health, is necessary for preventing or controlling the spread of coronavirus and the proposed direction is a fair way of achieve that purpose.

- 5 There are a variety of different powers open to local authorities under this legislation allowing directions to be issued to:

- Require premises to be closed
- Impose restrictions on the use of premises and the manner of entering or leaving premises
- Impose restrictions on the numbers able to attend premises
- Require an event to be stopped
- Impose restrictions or requirements in relation to those entering or leaving an event
- Impose restrictions on the number able to attend events
- Impose any restrictions or requirements deemed necessary for the holding of the event
- Prevent or restrict public access to a public place
- Impose restrictions on attendance at public places and the manner of entering or leaving public places
- Impose restrictions on the numbers able to attend public places.
- Close public paths or access land where they could be liable to large numbers of people congregating or being in close proximity

- 6 Where a direction is issued, it must be reviewed by the local authority every seven days. Prior to issue however, the Local Authority must give due regard to any guidance and consult the Welsh Ministers if it is reasonably practicable to do so.

- 7 Powers also exist to allow enforcement officers to issue compliance notices as a means to enforce compliance, failure to comply can result in prosecution or fixed penalty notice.
- 8 It should be noted that Welsh Government have retained the discretion to overrule local authorities and can order that a direction be revoked.

### **Financial Impact**

- 9 None

### **Integrated Impact Assessment**

- 10 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**

- 11 None.

### **Legal Impact**

- 12 Requirement must be had at all times with the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities)(Wales) Regulations 2020

### **Crime and Disorder Impact**

- 13 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 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**

- 14 None.

### **Consultation**

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

### **Recommendation(s)**

- 16 That Members authorise the Director of Environment and Regeneration, Director of Finance and Corporate Services, Head of Planning and Public Protection and Head of Legal Services and any officers so designated by them to serve a premises direction, event direction, public place direction, undertake the closure of public paths and access land, take action for non-compliance, issue fixed penalty notices and take any action so designated to a local authority pursuant to the Health Protection (Coronavirus Restrictions)(Functions of Local Authorities etc.)(Wales) Regulations 2020

**Reason for Proposed Decision(s)**

- 17 To ensure that appropriate authority is in place for officer to implement the powers under the Health Protection (Coronavirus Restrictions)(Functions of Local Authorities etc.)(Wales) Regulations 2020

**Implementation of Decision**

- 18 The decision is proposed for implementation immediately.

**Appendices**

- 19 None

**List of Background Papers**

- 20 None.

**Officer Contact**

- 21 Ceri Morris, Head of Planning and Public Protection.  
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