

URGENT DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	COUNCIL	20 JULY 2020	URGENT ITEM
CORONAVIRUS: POWER OF DIRECTION			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

This item is recommended by officers to be considered by the Mayor as an urgent item under Section 100B(4)(b) of the Local Government Act 1972.

SUMMARY

As lockdown restrictions are eased, new regulations have been made giving upper tier authorities power to take targeted actions to combat local outbreaks of coronavirus. Those regulations contain a power for a county council to direct a district council to exercise its powers in a specified way in order to combat the coronavirus. The report asks council to delegate power to the chief executive to comply with such a direction, should one ever be issued.

RECOMMENDATION

1. Delegate the following power to the Chief Executive *“Power to exercise any of the district council’s functions in a way specified in a direction issued by Lancashire County Council under regulation 17 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020”*.

SUMMARY OF PREVIOUS DECISIONS

None.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

1. New regulations¹, which came into force on Saturday, made provision for upper tier local authorities like Lancashire County Council to give directions to close or restrict access to premises, events and public outdoor places in its area. A direction may only be given if the upper tier authority considers that there is a serious and imminent threat to public health and that that the restrictions are necessary and proportionate to combat coronavirus.
2. The regulations also allow a county council to direct a district council to "*exercise any of the district council's functions in a specified way...if it considers that it is necessary and proportionate to do so in order to prevent, protect against, delay or otherwise control the incidence or spread of infection by coronavirus in the district council's area*". Any such direction, if ever issued, would be binding on the borough council and would need to be urgently actioned. Accordingly, it is recommended that the authority necessary to comply with such a direction be delegated to the chief executive.

IMPLICATIONS	
Finance	None
Legal	A direction could only be issued by the county council in the circumstances set out in paragraph 2 of the report and having had regard to any advice given to it by its director of public health.
Community Safety	A direction would only be given where public health considerations supported it. In those circumstances, it would be necessary for the borough council to be able to comply with it immediately.
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	See under "Community Safety"

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

¹ The Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020