

# KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

**DECISION TAKEN BY:**

Clair Bell – Cabinet Member for Adult Social Care and Public Health

**DECISION NO:**

20/00105

**For Publication**

**Key decision: YES**

**DECISION TITLE:**

**Issuing Direction under Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 – Hop Farm, Paddock Wood**

**As Cabinet Member for, I agree to:**

Make a Direction under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 (or any replacement or amended version of these regulations which may be valid and appropriate while this Direction remains in effect).

This Direction comes into force on 23/10/2020 and further details of the Direction listed in Appendix 1 of this Record of Decision.

- I delegate authority to the Corporate Director of Growth, Environment and Transport to undertake the review of this direction, required under s2 of the Regulations and the related authority to, subject to consultation with the Cabinet Member for Adult Social Care and Public Health and the Director of Public Health, to revoke this Direction as appropriate and to issue the relevant notices (including notification to all those consulted as part of this Key Decision). This review shall take place a minimum of once every 7 days while the Direction remains in effect, in accordance with s2(2)(a) of the Regulations.
- I also delegate authority to the Corporate Director of Growth, Environment and Transport, in consultation with the Corporate Director of Finance, the Monitoring Officer and Cabinet Member for Adult Social and Public Health, to take necessary actions, including but not limited to entering into contracts or other legal agreements, as required to implement and enforce this decision.

In making this decision, I confirm that the conditions set out for the making of such a Directions in s2 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 have been met and that this direction is necessary and proportionate. I can also confirm that I have read and considered the KCC Urgent Decision Local Lockdown Guidance.

**Reasons for decision:**

The decision is required for the implementation of a necessary public health response, as permitted under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020.

Taking into account advice from the Director of Public Health, and referring to relevant data and risk assessments, the conditions for making a Direction to give effect to 'local lockdown' arrangements are met and necessitate a Key Decision.

The detailed rationale for this decision is set out in the associated Decision Report which includes advice from the Director of Public Health.

**Background:**

Provisions for appealing this direction to a magistrates' court or making representations to the Secretary of State are contained within the relevant regulations.

**Reason for Urgency:**

It is necessary to implement the restrictions outlined in the Direction immediately due to the events starting at 17.00 on the 23/10/2020 and continuing until the 1/11/2020

Therefore it is not possible follow the normal decision timeframes as required under the KCC and legal governance arrangements, requiring it to be progressed under the urgent decision provisions as set out in the Constitution and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Direction comes into effect immediately when issued, notice of the intention to seek a direction having already been issued; and

Will cease to be in effect on 2/11/2020 unless revoked earlier as a result of the mechanism set out in the Direction and may only be extended beyond this time and date by the issuance of a new Direction.

**Member and other consultation:**

No Cabinet Committee consultation possible due to urgency process.

The below list of Members were contacted in writing and notified of the decision but due to time constraints related to the public health risk, the decision had to be progressed with minimal notice. Consequently there was insufficient time to include comments prior to publication of the Decision. However, any comments received in response to the written notification from Democratic Services will be published alongside the ROD in due course.

The Chair of the Scrutiny Committee (agreed that the decision could not be reasonably deferred)

Andy Booth - Conservative

The Group Spokespeople of the Scrutiny Committee

Rob Bird – Liberal Democrats

Dara Farrell – Labour

The Chair and Group Spokespeople of the Health Reform and Public Health Cabinet Committee

Geoff Lymer (Chair) – Conservative

Dan Daley – Liberal Democrats

Barry Lewis – Labour

**Any alternatives considered and rejected:**

Voluntary cancellation of the event in the light of the Public Health advice was sought but rejected by the event organisers

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

None



23 October 2020

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signed

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date