

From: Barbara Cooper, Corporate Director, Growth, Environment and Transport

To: **Clair Bell, Cabinet Member for Adult Social Care and Public Health**

Decision No: 20/00125

Subject: The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 and Broadstairs Christmas Market

Classification: **Unrestricted**

Electoral Division: Broadstairs

Summary: Market Square Group Ltd. has proposed to hold a Christmas Market event at Broadstairs on 10th to 13th December 2020.

A Public Health specialist has reviewed the risk assessment prepared by the event organiser. Their professional view is that the event represents a serious and imminent threat to public health and should not go ahead as planned.

The event organiser has rejected this advice and therefore KCC is seeking to make a Direction under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 to cancel the event to protect public health.

Recommendation(s):

The Cabinet Member for Adult Social Care and Public Health is asked 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) specifically to:

Prohibit the event.

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.

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.

1. Introduction

- 1.1 On 12 January 2020, it was announced that a new coronavirus had been identified. COVID-19 is highly contagious and the World Health Organisation has declared the risk and spread of the disease as a pandemic. Reacting to high infection rates across the UK, to protect public health and ensure the NHS had capacity to treat the expected high numbers of Covid-19 affected patients, the Prime Minister, Boris Johnson ordered a 6-week national lockdown from 16 March 2020
- 1.2 Post the lockdown period, under the Public Health (Control of Disease) Act, the Secretary of State for Health introduced regulations for use by Local Authorities enabling local action in response to a “serious and imminent threat to public health” due to the spread of Covid-19.
- 1.3 A local authority may give a direction under the regulations where the following conditions are met:
 - a) “that giving such a direction responds to a serious and imminent threat to public health,
 - b) that the direction is necessary for the purpose of preventing, protecting against, controlling, or providing a public health response to the incidence or spread of infection by coronavirus in the local authority's area, and
 - c) that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose”.
- 1.4 Following a second period of national “lockdown”, on 2nd December 2020 The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 came into force. Due to very high disease prevalence in Kent, the County was placed into tier 3 which has the most severe restrictions. The District of Thanet has particularly high prevalence.

2. Financial Implications

- 2.1 There are no financial implications arising from this report.

3. Report

- 3.1 Market Square Group Ltd. has proposed to hold a Christmas Market event at Broadstairs on 10th to 13th December 2020.
- 3.2 The event was originally proposed, and not objected to, in August when Kent was in the then tier 1 restrictions. The organisers submitted information in

relation to their plans for an event in a tier 3 area to Thanet District Council on 8th December. Officers from Thanet District Council have engaged with the organiser and have shared all information gathered with the Public Health Consultant. Thanet District Council officers are fully engaged with this process.

3.3 On 10th December, upon receipt of the advice of the Public Health Consultant, a KCC Trading Standards Officer engaged with a director of the organising company by telephone. A site visit was carried out by Trading Standards, Thanet District Council, and a Public Health Consultant on the morning of 11th December. Following that visit there remained no confidence that sufficient measures were possible to run a safe event.

3.4 A detailed assessment of the updated arrangements for the event has been carried out by a Public Health specialist. In summary the assessment concludes:

- a) that the event should not go ahead due to the following concerns:
 - The local area 7-day positive cases rate is 422.8 per 100000. This is likely to be an underestimate of the true infection rate as it only records those who have identified symptoms and have presented for a test.
 - The event is likely to encourage a large gathering more than 500 people.
 - The event risk assessment is basic and carries little or no detail in critical areas including whether there are sufficient controls in place to mitigate against the spread of Covid-19.
 - The risk assessment does not include travel to and from the event or the cumulative impact of this event against other local circumstances.
 - Within a tier 3 area it is advised that unnecessary travel should be avoided.

- b) that a direction is necessary and proportionate to respond to a serious and imminent threat to public health and control the transmission of COVID-19 in Kent & Medway.

3.3 The Director of Public Health has considered the findings and assessed them against the provisions within the Regulations and has made the decision that the event should not proceed. The assessment and record of decision is as appendix 2.

4. Legal Implications

4.1 The decision is being taken under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 which came into effect on 18 July 2020.

4.2 The Director of Public Health, has assessed relevant risk assessments and has advised that the conditions for making a Direction to give effect to 'local

lockdown' arrangements are met and necessitate action to prevent a serious and imminent threat to public health.

5. Conclusions

- 5.1 Market Square Group Ltd. has proposed to hold a Christmas Market event at Broadstairs on 10th to 13th December 2020. Public Health Professionals have reviewed the risk assessment for the event and concluded that the event cannot go ahead due to it representing a serious and imminent threat to public health. The Director of Public Health has considered the assessment and in line with the Regulations has made the decision that the event should not proceed.
- 5.2 The event organiser has rejected the advice and therefore a direction to cancel the event is being sought.

6. Recommendation(s)

Recommendation(s):

The Cabinet Member for Adult Social Care and Public Health is asked 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) specifically to:

Prohibit the event.

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.

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.

7. Background Documents

- Draft Record of Decision
- Public Health Assessment
- Director of Public Health Assessment

8. Contact details

Report Author: Mark Rolfe, Interim Head of Kent Resilience Team.

Mark.rolfe@kent.gov.uk. 03000 410336

Relevant Director

Barbara Cooper, Corporate Director, Growth, Environment and Transport

Barbara.cooper@kent.gov.uk

03000 415981