

KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

DECISION TAKEN BY:

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

DECISION NO:

20/00131

For Publication**Key decision: YES****Local Lockdown Regulations Direction – Pantiles Market**

Direct the placing of requirements on the market event organised between 19/12/2020 and the 20/12/2020

As Cabinet Member for Adult Social Care and Public Health, I agree to:

Make a Direction to place requirements on the event 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 19/12/2020 at the time indicated on the Direction, which is available as 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 regulation 2 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 being held from 19 December 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 21/12/2020 unless revoked earlier as a result of the mechanism set out in the Decision 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 Chair of the Scrutiny Committee, in addition to agreeing that the decision could not be reasonably deferred provided the following comments:

Mr Booth supported the decision.

The Group Spokespeople of the Scrutiny Committee provided the following comments:

No Comments

The Chair and Group Spokespeople of the Health Reform and Public Health Cabinet Committee provided the following comments:

No comments

The Local Member provided the following comments:

No comments.

Any alternatives considered and rejected:

Consideration was given to prohibiting the event in view to the general risks of public gatherings, however the Director of Public Health was satisfied that arrangements could be put in place to allow the event to continue in a COVID compliant manner, with appropriate enforcement allowed via the issued Direction.

Imposing a Direction was considered by the organiser has indicated support for the Direction and welcomes the decision.

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

None

Clair Bell

18 December 2020

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signed

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date