

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

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

Decision No: 20/00131

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

Classification: **Unrestricted**

Electoral Division: Broadstairs

Summary: The event organiser has proposed to hold an outdoor Market event at The Pantiles, Tunbridge Wells on 19 and 20 December 2020.

KCC's Public Health department have 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 but that, with the appropriate measures in place, it can be held safely.

The direction sought will impose requirements on the event. These requirements represent the measures that the organiser has already put in place working alongside local authority and public health officials.

The purpose of this direction is to ensure that the appropriate legal infrastructure is in place to enforce those measures in support of the organiser and the marshals working the event. The organiser consents to and, indeed, welcomes this direction which is designed to support him and his staff delivering a safe event.

Recommendation(s):

The Cabinet Member for Adult Social Care and Public Health is asked 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).

And;

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. Initially the District of Tunbridge Wells had relatively low prevalence, however that prevalence is currently increasing substantially.

2. Financial Implications

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

3. Report

- 3.1 The event organiser has proposed to hold a market event at the Pantiles, Tunbridge Wells on 19th and 20th December 2020.
- 3.2 The organiser has worked closely with officers of Tunbridge Wells Borough Council, KCC and Public Health to design and introduce appropriate measures to run a safe event. Those measures include appropriate stall spacing, a one-way system and the deployment, in partnership with the Borough Council, of Covid marshals at the event to manage visitor flow and behaviour.
- 3.3 Site visits by officers have been carried out and their observations have been fed back to the organiser.
- 3.4 A detailed assessment of the arrangements for the event has been carried out by a Public Health specialist. In summary the assessment concludes that on the basis that the measures set out by the public health specialist are implemented and managed in a sustained way then the Market can proceed as planned
- 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 a direction placing requirements on the event is a necessary and proportionate action to support the safe operation of it. The DPH's assessment and record of advice is attached as appendix 1.

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 It is possible for the market proposed by the event organiser to be held in the Pantiles, Tunbridge Wells to proceed in a Covid secure manner provided the measures agreed between the organiser and the Public Health specialist are delivered.
- 5.2 The proposed direction facilitates the safe delivery of the event by putting in place the appropriate infrastructure for enforcement partners to support the organiser and marshals.

6. Recommendation(s)

Recommendation(s):

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

And;

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. Appendices

- Director of Public Health Advice

8. Background Documents

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

9. Contact details

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