

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

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

Decision No: 20/00105

Subject: **Direction under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020**

Classification: **Unrestricted**

Electoral Division: Paddock wood

Summary:

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:

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 with Europe now at its epicentre. To protect Public Health the government has introduced restrictions to help control the spread and rate of infection.

2. Financial Implications

2.1 There are no financial implications arising from this report.

3. Report

3.1 Circus Zyair has proposed a run of events (shows) from the 23/10/2020 until the 1/11/2020 at the Paddock Wood Hop Farm.

3.2 A detailed assessment of the arrangements for this event has been carried out by Public Health Professionals. Their assessment is attached as appendix 2. In summary it concludes that the event should not go ahead and that a direction is necessary and proportionate in order 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 confirmed by email, a copy of which is attached, that he agrees with the assessment and recommends that the event should not proceed.

3.4 Engagement has taken place with the venue and with the event organisers. The venue has voluntarily withdrawn its consent, but the event organiser, Circus Zyair Ltd., has refused to cancel the event. The direction sought, therefore relates only to the event organiser, Circus Zyair Ltd.

3.5 It is true that other circus events have run in Kent over recent weeks and this challenge was put to the Public Health professional carrying out the assessment. His response is that the current rising rates of infection in Kent mean that the circumstances prevalent at the time of those events are no longer prevalent now.

4. Legal Implications

4.1 The decision is being taken under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 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 Circus Zyair has proposed a run of events (shows) at the Paddock Wood Hop Farm. A detailed assessment of the arrangements for this event has been carried out by Public Health Professionals. The Director of Public Health has assessed the relevant risk assessments and has recommends that the event should not proceed. Circus Zyair has refused to comply with advice and a key decision is needed to make a Direction under Regulation 5 of the Health

Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 to cancel the planned shows to protect public health

6. Recommendation(s)

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7. Background Documents

- Draft Record of Decision
- Public Health Assessment
- Email from KCC Director of Public Health

8. Contact details

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