

**COVID-19 EMERGENCY
DECISIONS TAKEN UNDER URGENCY POWERS
IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

S101 Delegation Agreement with Gloucestershire County Council in respect of Enforcement Powers

1. Decision:

To enter into a delegation agreement between the County Council and the City Council (and the other district councils in Gloucestershire) relating to the exercise of enforcement powers set out in The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020.

2. Background documents

S101 Delegation Agreement

3. Reasons for decision:

The County Council is the enforcement authority for Gloucestershire in relation to the enforcement powers set out in The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 ('the Regulations').

The County Council and the Council, together with all the other district councils in Gloucestershire wish to make arrangements for the discharge of the enforcement powers referred to in the Regulations as set out in an Agreement.

The Agreement is entered into pursuant to Section 101 of the Local Government Act 1972, Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

The Agreement states that the County Council delegates to the Council, on a non-exclusive basis, the power to discharge enforcement functions. It specifically provides that, unless there is insurance cover in place, the Council and County Council will share any risk equally

4. Resource implications:

There are no direct resource implications arising from this report. Actions will be contained within existing resources.

5. Who has been consulted:

All District Councils. Environmental Health Managers Group. Public Health. Police

6. What were the comments:

Agreement to the delegation as an integral part of ensuring compliance with Covid Regulations

7. Background/context:

The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 do not currently delegate enforcement on premises subject to a Determination to restrict or prohibit a premise or event from being held to local authorities. This report agrees to that delegation.

8. Alternative options considered and why they were rejected:

Not to enter into the delegation agreement is not an option because the negative impact it would have on enforcing the Regulations county- wide.

9. Risk analysis:

A potential risk relating to insurance cover has been mitigated by the County and the Council to share such risks equally.

10. Any other relevant considerations:

None

11. Chief Officer authorising decision:

Chief Executive, Tewkesbury Borough Council

12. Title of Officer completing report:

Interim Environmental Health Manager

13. Date:

11 February 2021

Any queries to be raised with democraticservices@teWKesbury.gov.uk