

**HARBOROUGH DISTRICT COUNCIL**

**URGENT REPORT TO THE CABINET MEETING OF 8 SEPTEMBER 2020**

**PUBLIC REPORT: Y**

**EXEMPT REPORT: N Appendix A is exempt by virtue of paragraphs 1 and 2 of Schedule 12 (A) of the Local Government Act, 1972**

<b>Report Title</b>	Section 113 Local Government Act 1972 – placing officers at the disposal of Leicestershire County Council
<b>KEY DECISION</b>	N
<b>Report Author</b>	Verina Wenham Chief Officer Governance and Monitoring Officer
<b>Purpose of Report</b>	To seek authority to place the officers detailed in Appendix A at the disposal of Leicestershire County Council (“LCC”) for the purposes of being appointed a Local Authority Designated Officer by LCC under the Health Protection (Coronavirus, Restrictions) Regulations (England) (No 3) Regulations 2020.(“The Regulations”)
<b>Reason for Decision</b>	To enable officers of the Harborough District Council to be appointed as a Local Authority Designated Officer by LCC, the Council will need to formally place those officers at the disposal of LCC for that purpose.
<b>Portfolio (holder)</b>	Councillor Paul Dann
<b>Corporate Priorities</b>	
<b>Financial Implications</b>	There are ongoing discussions with LCC and the district councils regarding appropriate recharge arrangements for the officers’ time spend in carrying out the duties of a Local Authority Designated Officer.
<b>Risk Management Implications</b>	Before entering any agreement, assurance will be obtained to ensure LCC will have sufficient insurance cover in place with respect to the officers whilst they are performing their duties for LCC. As they will be treated as officers of LCC for this purpose, LCC’s officer liability insurance will be applicable.
<b>Environmental Implications</b>	None as far as this report is concerned.
<b>Legal Implications</b>	Section 113 of the Local Government Act 1972 allows one local authority to place its officers at the disposal of another local authority. The officer is then treated as an officer of both authorities. The officers concerned must be consulted by their employing authority, before any decision is made.

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	<p>This does not affect the employment status of an officer, who remains an employee of the employing authority.</p> <p>The decision is a local choice function and Harborough District Council has decided that this is an executive decision and therefore is for Cabinet to consider.</p>
<b>Equality Implications</b>	
<b>Data Protection Implications</b>	None as far as this report is concerned.
<b>Consultation</b>	The officers detailed in Appendix A have been consulted with regards to this proposal as required under Section 113 of the Local Government Act 1972.
<b>Options</b>	The Council does not have to place its officers at the disposal of LCC.
<b>Background Papers</b>	
<b>Recommendation</b>	<ol style="list-style-type: none"> <li>1. That the officers named in Appendix A to this report are placed as the disposal of Leicestershire County Council for the purposes of the performance of the duties of a Local Authority Designated Officer under the Regulations; and</li> <li>2. Subject to the recommendation in 1. above being approved that the Chief Officer, Governance is given delegated authority to put in place the appropriate legal agreement and to take any necessary steps to give effect to that decision.</li> </ol>

### 1. Introduction

- 1.1 As part the response to the COVID 19 emergency, The Health Protection (Coronavirus, Restrictions) Regulations No 3 2020 (“Reg 3”) provides power to a local authority ( in this instance Leicestershire County Council) to issue a Direction regarding an individual premise, event or outdoor public place, requiring action to taken to minimise the COVID 19 risks posed by the premises or the particular event or venue.

### 2. Key Facts

- 2.1 Leicestershire County Council, as the upper tier authority for Leicestershire has the power to issue a direction under the Regulations subject to the following criteria being satisfied:

- 2.1.1 The direction responds to a serious an imminent threat to public health in the local authority’s area;

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- 2.1.2 The direction is necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in the local authority's area of coronavirus, and
- 2.1.3 The prohibitions, requirement or restrictions are a proportionate means of achieving that purpose.
- 2.2 The direction can be issued requiring owners/organisers to take specific action to deal with the COVID 19 risks posed by the event/premise. The type of action could include prohibiting the event from taking place, imposing a maximum number of attendees or any other appropriate and proportionate measures to minimise the risk of the transmission of COVID 19.
- 2.3 It is envisaged that the use of these powers will be a last resort; however, once a direction had been issued the Regulations contains enforcement powers under Section 12 and Section 14. Enforcement action can be taken by Local Authority Designated Officers, who must be appointed by LCC.
- 2.4 LCC has approached all the district and borough councils in its area to provide assistance with the enforcement of any Direction that it makes, and it has been agreed that the Council would be willing to provide the services of some of its Environmental Health Officers ("EHO's") in this regard. To enable the EHOs to carry out this work they will need to be appointed as Local Authority Designated Officers. As LCC have the powers under the Regulations it is LCC who has to designate the officers, and therefore the Councils officers will need to be placed at the disposal of LCC before this designation can take place.
- 2.5 Subject to members agreeing to this, both authorities will enter into an agreement governing this arrangement. Discussions are ongoing with Leicestershire County Council and the district councils to agree reimbursement of officer's time and ensuring that the appropriate insurances are in place to cover the officers whilst undertaking these duties. A standard template agreement has been agreed in advance of this report.