

## Officer Non Key Executive Decision

<b>Relevant Chief Officer (Decision Maker):</b>	Dawn Goodall, Head of Legal Services
<b>Relevant Cabinet Member (for consultation purposes):</b>	Cllr Jim Hobson, Cabinet Member for Environment and Climate Change.
<b>Report Author (Officer name and title):</b>	Dawn Goodall, Head of Legal Services
<b>Implementation Date of Decision:</b>	21 September 2020

### Authorisation of Officers to issue Fixed Penalty Notices under the Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020.

#### 1.0 Purpose of the report:

- 1.1 To consider the authorisation of officers to issue fixed penalty notices under the Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020.

#### 2.0 Recommendation(s):

- 2.1 That the officers listed at 5.7 below be authorised to issue fixed penalty notices under the Regulations.

#### 3.0 Reasons for recommendation(s):

- 3.1 This will allow for the efficient discharge of powers by officers with relevant knowledge/experience who perform tasks and functions under relevant legislation as part of their duties.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

If no appointments are made, no officers will be able to issue fixed penalty notices for non-

compliance with the Regulations.

#### **4.0 Council Priority:**

4.1 The relevant Council Priority is

- “Communities: Creating stronger communities and increasing resilience”

#### **5.0 Background Information**

5.1 The Constitution currently authorises the Head of Legal Services to take such measures as she considers appropriate in connection with the issue, enforcement, making or registration of any notice, charge, prohibition or requirement, by or in relation to the authority.

5.2 The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020 (the Regulations), places obligations a person carrying on the business of a public house, café, restaurant or other relevant business to take all reasonable measures to ensure that:

- No bookings for a table are accepted for a group of more than six people, unless one of the exemptions in paragraph 5 Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 applies;
- No persons are admitted into the premises in a group of more than six unless one of the exemptions in paragraph 5 Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 applies;
- No one person in a qualifying group mingles with any person in another qualifying group where it is not permitted under Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020;
- An appropriate distance is maintained between tables occupied by different qualifying groups.

5.3 An appropriate distance is a distance between tables:

- i) At least two metres, or
- ii) At least one metre, if
  - a) There are barriers or screens between tables,
  - b) The tables are arranged with back to back seating, or otherwise arranged to ensure that persons sitting at one table do not face any person sitting at another table at a distance of less than two metres; or
  - c) Other measures are taken to limit the risk of transmission of the coronavirus between people sitting at different tables.

5.4 A relevant business is a business which provides food or drink for consumption on its

premises.

- 5.5 It is an offence, punishable on summary conviction with a fine, to fail to comply with the obligations listed at 5.2 above
- 5.6 An authorised person may issue a fixed penalty notice (FPN) to anyone that they reasonably believe
1. Has committed an offence under these Regulations, and
  2. Is over the age of 18.

Authorised person means

- A constable;
- A police community support officer;
- A person designated by the Secretary of State for the purposes of this regulation;
- A person designated by the relevant local authority for the purposes of this regulation;

The cost of the fixed penalty is as follows:

£1000, reduced to £500 if paid within 14 days if this is the first FPN issued

£2000 if this is the second FPN issued

£4000 for the third and subsequent FPN issued

- 5.7 The Head of Legal Services hereby authorises the following officers to issue fixed penalty notices under the Health Protection (Coronavirus, collection of contact details, etc. and related requirements) Regulations 2020 on behalf of Blackpool Borough Council:

Tim Coglan  
Lee Petrak  
Karl Bischoff  
Shaun McKinney  
Simon Evans  
Oliver Watts  
Myron Moss  
Dave Verity  
Danny Stephenson  
Carolyn Bland  
Sarah Longden  
Lindsay Milner  
Louisa Sharpe  
Dominic Blackburn  
Douglas Peterson

Jon Yates  
Dave Fitch  
Alex Bracken  
Paul Satchell  
Trevor Marshall  
Sam Caldwell  
Ivy Hardcastle  
Sonia Cooke  
Cheryl Bennett  
Michelle Townsend  
Steve Hobson  
Donna Rigby  
Jennifer Clayton  
Nicola Helm  
Lloyd Anderson  
Claire Heaney  
Nicola Rigby  
Ryan Unsworth  
Karen Parker  
Craig Walker

5.8 Does the information submitted include any exempt information? No

5.9 **List of Appendices:**

None.

6.0 **Legal considerations:**

6.1 None.

7.0 **Human Resources considerations:**

7.1 None.

8.0 **Equalities considerations:**

8.1 There are no equality issues.

9.0 **Financial considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 Only those with relevant knowledge and expertise are to be authorised.

**11.0 Ethical considerations:**

11.1 The proposed actions would support the Council's core values, morals and beliefs, as well as the Council's priorities.

**12.0 Internal/ External Consultation undertaken:**

12.1 With the Director of Community and Environmental Services and Head of Public Protection

**13.0 Decision of Head of Legal Services**

13.1 The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020.

**14.0 Reasons for the Decision of the Head of Legal Services**

14.1 This will allow for the efficient discharge of powers by officers with relevant knowledge/experience.