

What do the new powers local authorities have been given to help manage COVID-19 mean for me?

Why have councils been given these powers?

Councils through their public health responsibilities, have COVID outbreak management plans <https://staysafecsw.info/home/plan-1/1> which to prevent the spread of COVID. This means that they are working with schools, care homes, business and council services such as leisure centres to keep COVID-safe and to manage local outbreaks with Public Health England. If COVID numbers rise, the new powers mean that steps can be put in place quickly to protect local people and businesses.

Do we need these new powers?

COVID numbers are being monitored closely every day. As lockdown measures have been lifted, it is important to make sure that numbers do not increase back to a level where more people get ill. Many people have not had the virus and so are at risk of getting it.

Do the council intend to use these powers?

The powers are intended to be used if COVID rates increase and urgent action is needed. This can be avoided by:

- Everyone keeping a 2m distance where possible. If this is not possible, take steps to reduce the risk of spreading the virus including wearing a facemask in shops and on public transport.
- Regular handwashing & sanitising.
- Following guidance on how to socialise safely: do not socialise indoors with more than one household. Events of more than 30 people even if these are outside are against the law.
- If you go to a pub or restaurant give your contact details so you can be contacted by NHS Test and Trace if you are in contact with someone who has tested positive.

Business, including shops, pubs and restaurants, must also keep COVID-secure by following national guidance for their sector or type of business. <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/5-steps-to-working-safely>

Anyone with COVID symptoms should self-isolate straight away and get a test. Close contacts should self-isolate and follow any advice from NHS Test and Trace.

Following these steps, gives us the best chance of reducing the spread of COVID and having to use any legal powers.

What do these new powers allow local authorities to do?

They help local authorities protect you and your family from COVID-19 by allowing them to manage events and outdoor spaces where people can gather and any specific sites where there is a COVID-19 outbreak or a clear risk of COVID spreading. They also permit certain premises to be closed or restrictions placed on them.

What do local authorities need to prove before they can use these powers?

Three essential conditions must be met, they are:

1. That there is a serious and imminent threat to public health in the area.
2. The local authority needs to act quickly to protect public health by preventing and protecting against the spread of infection in the area.
3. That the restrictions in place are appropriate to prevent the spread of COVID-19.

Do local authorities need to notify affected businesses/premises users? What must that notice contain?

Yes, affected businesses/premises users will be notified by email or by letter, which will contain all the relevant information, including the reason why the action is being taken. Local authorities call this action a 'direction'.

If a local authority needs to use these powers what must they tell us?

Any notice from a local authority will tell affected businesses/premises users the date and time the direction is in place and when it ends. The notice will also inform them of why this action is taking place.

How often must a local authority review a direction?

At least every seven days.

When can a direction be lifted?

When there is no longer a serious and imminent threat to public health, or the measures are not required to prevent or control COVID-19 in the area.

Can a direction be appealed against and how?

Yes, if you're directly affected by these actions you have the right of appeal. The appeal against a direction can be made using the information found [here](#).

Can local authorities place restrictions on events and why?

Yes they can, but only where the event poses a serious and imminent threat to public health relating to COVID-19 and is required to prevent the spread of the virus in the area.

What are the limits of a direction being placed on an event?

The direction may only apply to:

- the owner or occupier of the premises hosting an event to which the direction relates
- the organiser of such an event
- any other person involved in holding such an event. This does not include people planning to attend the event who have no involvement in its organisation. People who attend such an event will not be committing an offence as a result of a direction being made.

How and who must be notified of event restrictions?

Anyone affected by a local authority issuing a direction to protect public health will be sent an email or letter detailing the direction, its start and end date and what it means in practical terms for the event organisers.

Can local authorities place restrictions on public outdoor spaces?

Yes they can, where an event(s) or behaviour poses a serious and imminent threat to public health relating to COVID-19 and restrictions are required to prevent the spread of the virus in the area.

What notice must be given in relation to outdoor space restrictions?

If a local authority has to issue directions to protect public health, it will send an email or a letter detailing what the direction means. This will say what restrictions are needed, the start and end dates of these restrictions and why they are needed.

Who is responsible for restricting access to outdoor spaces affected by a direction?

Those who own, occupy or are responsible for part of a public outdoor place must take reasonable steps to prevent or restrict public access to the area in accordance with a direction the local authority has imposed.

What reasons could be used for someone to access the restricted outdoor space?

Reasonable access will be allowed in certain circumstances, for example for work purposes, for companies which provide freight and haulage services and other acceptable uses that do not pose a serious and imminent threat to public health relating to COVID-19. In addition, access will be provided for utility companies carrying out essential maintenance and repair works and highway authorities carrying out road works.

What about if I live in the restricted area?

Where possible, a direction would ensure restrictions did not restrict social interaction between people living in the area and outside. The area a direction covers will be drawn in such a way that visitors from outside the area, such as friends and family, would be able to visit people living within the area, unless the movement of people has been restricted because of other regulations or restrictions that are in place.

How can residents appeal against a direction and what must they prove to be successful?

The recipient(s) of a direction has the right of appeal through the magistrates' courts. Should they wish to appeal a direction, it should be lodged as soon as possible and, where possible, submitted within the 7-day review period.

If someone ignores or obstructs a direction is this an offence and what can be done about it?

This would be an offence and local authority designated officers, police officers or Police Community Support Officers (PCSOs) may issue a Fixed Penalty Notice (FPN). The amount of the FPN will be £100 for a first offence (reduced to £50 if paid within 14 days), doubling upon further offences up to a maximum of £3,200.