

Cheshire West & Chester Council

COVID-19

**Existing Local  
Legal Powers**



Cheshire West  
and Chester

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This document has been produced by Cheshire West and Chester Borough Council on behalf of the Cheshire Local Resilience Forum (CLRF) and has had the benefit of discussion and input at both the CLRF Legal Powers Task and Finish Group and the Governance sub-group of the Good Practice Network.

This document is not intended to provide legal advice and should not be relied upon as such. It does not make specific proposals for legislative changes. It is intended to provide background analysis to support policy development.

## Introduction

A series of scenarios have been considered by the CLRF Legal Powers Task and Finish Group to assess which local enforcement powers may be available to support in a local containment situation.

It should be noted that locally there is:

- No general power to require people to stay apart or at home.
- No general power to close premises as a precaution – need to prove that there is a problem.
- No powers which apply to everything – need to use a range of powers across entities depending on the scenario.

At the time of preparing this document clarity is being sought on the above-mentioned position.

This document sets out those powers that have been identified as relevant to each of the scenarios. Table 1 sets out a consolidated list of enforcement powers which has been prepared as part of the Good Practice Network Governance Group work. It is not intended to be an exhaustive list.

The primary legislation in relation to Covid 19 is the Coronavirus Act 2020.

The Act sets out the enforcement powers in schedules 21 and 22 in relation to people and things.

At present the powers contained in the Act are exercisable by a Public Health Officer defined in Schedule 21 as:

- (i) **an officer of the Secretary of State designated by the Secretary of State for any or all of the purposes of this Schedule, or**
- (ii) **a registered public health consultant so designated;**

The powers in (1) are believed to sit with Public Health England as the national body under the control of the SoS

A Constable has powers in relation to enforcement, often following actions of the PHO or in consultation with the PHO.

The SoS may also designate a registered public health consultant to exercise the powers but to date it is not known any designation has been made.

The powers contained in the Covid Act largely reflect the established powers given to local authorities in the Public Health Act 1984 in Part 2. The main difference being that the local authority must obtain an order from the Magistrates' court before restrictions may be imposed.

## The Scenarios

### The local resident with dementia

Person A has dementia. She lives in her own home with two visits per day from carers. Person A is part of a social bubble with her daughter, who has just tested positive for COVID-19. Person A had been visiting her daughter's home every day prior to her daughter's test result.

Person A leaves her home up to twenty times per day to visit the shops and a local residential home to which she manages to gain access. Person A has been contacted by the local Hub who have explained to her that she must self-isolate at home and have offered to set up a package of support. Person A has refused to self-isolate and continues to go out to the shops very frequently. She now has a new continuous cough.

Person A has refused all the additional support provided by the local authority and threatens to become violent when self-isolation is discussed. The council is receiving complaints from local businesses about her cough and disruptive behaviour. A mental capacity assessment conducted two months ago found that her mental capacity was adequate.



### The hand car wash (and HMO)

A week ago, a driver reported that the workers at a hand car wash were not wearing PPE or working at a safe distance from each other. Yesterday, a customer noticed that several of the men were coughing and contacted the council out of a concern for their welfare. This follows several previous complaints about various aspects of this car wash business.

The men that work at the car wash are thought to share a house of multiple occupation (HMO), together with other workers from two hand car washes in a neighbouring local authority. A conversation with officers at the neighbouring

local authority's Hub revealed that Regulatory Services officers visited the HMO last week and gave clear advice about isolation of cases and contacts which has not been complied with. Many of the customers of the hand car washes are elderly people, and there is concern about the ongoing risk to public health.

### The day nursery

A day nursery provides care to sixty children aged 6 months to 4 years. A member of staff has contacted the local authority anonymously to report that staff with COVID-19 symptoms are being coerced into working or told that they will lose their jobs. The nursery nurse also says that she was told that she would lose her job when she was instructed to self-isolate by contact tracers when her grandmother tested positive for COVID-19.

When the community infection control team phoned the nursery, the manager told them that none of the staff were symptomatic and that all the necessary outbreak management plans were in place. After a further anonymous complaint from another nursery nurse, local Hub staff visited the nursery. They witnessed staff at work with COVID-19 symptoms. The nursery manager was given clear advice on the testing and isolation of symptomatic staff and contacts. A return visit to the nursery by Regulatory Services officers two days later has found the same symptomatic staff members still in work and nothing else seems to have changed.

### The bus driver

Person B - who was a bus driver - sadly died of COVID-19 yesterday. There has been a lot of coverage of his death on local and regional media over the past 24 hours, which has generated significant public concern. Person B was working until last week, and then deteriorated very quickly before he passed away. Many bus passengers have not been compliant with the requirement to wear face coverings, and now there are large numbers of passengers contacting the council asking to be tested.

The managers of the bus company are concerned that the Test and Trace Programme may identify failings by the company in health and safety relating to the prevention of COVID-19. Regulatory Services officers have found the company to be uncooperative with their attempts to identify contacts and to discuss actions to prevent further cases of infection. Person B's family have reported to Test and Trace Programme staff that he was pressured to carry on working despite showing symptoms, and they are taking legal advice because they consider that failure by the bus company in their duty of care to Person B contributed to his death.





### The firefighter

Person C, a firefighter, has tested positive for COVID-19 infection. He has given details of his contacts to the Test and Trace Programme, who have told him that they will be contacting his colleagues and advising them that they must socially isolate for 14 days. Because of the shift pattern at the Fire Service, Person C's test result means that 60% of firefighters on the rota will be required to take 14 days off work. The Station Manager considers that the service is at critical risk, and the situation has been escalated across the county. Local people have become aware of the situation and there is now significant public concern that the Fire Service will no longer be providing a safe service.

### The illegal rave

The police have received a 999 call from a local resident reporting that an illegal rave is underway at a warehouse. The resident reports that there are up to 1000 people attending the venue, and the first officers to arrive at the scene have been met with violence and pelted with objects. The rave was organised on social media, with people travelling from a considerable distance to attend, including from neighbouring local authorities and devolved administrations. The rave appears to be part of a series of events, with a further rave organised for another town within the local authority the following weekend.

### The outbreak in the small village

An independent extra care facility is located on the fringe of a small village which has a population of about 300 people. The extra care facility is experiencing one of the worst COVID-19 outbreaks in the borough, with 20 confirmed cases and 8 deaths so far. Many of the other residents in the village are elderly and at an increased risk from COVID-19.

The extra care facility has always been well-supported by the community - several staff live within the village, and volunteers from the local church regularly provide additional help when needed.

The manager of the extra care facility considered that it was not at high risk compared to other care homes because of its rural location and did not engage with the testing offer. The faith volunteers were well-liked by residents, and the manager was reluctant to stop them coming into the facility when lockdown was announced. There is now alarm among some in the village at the outbreak, and the local primary school has already taken the decision to close. Other local people, however, have had symptoms in recent months, and believe that they are immune. The volunteers from the faith group hold the view that the need for their support is greater than ever and continue to visit elderly people across the village. The local authority elected members, and the Parish Council, are demanding that strong action is taken to lockdown the local area to protect the vulnerable residents in the community.



### The minicab driver

Person D is a driver for a private hire minicab company. After feeling unwell for a couple of days, she accessed a test which has now come back positive for COVID-19. She has worked every day for the last week, including whilst feeling unwell. The taxi company only operates pre-booked journeys but has refused to provide details of customers who travelled in Person D's vehicle and of the other drivers who shared the same cab. The company is very concerned about the risk to its reputation at a time when it is on the verge of going out of business.

### The holidaymakers

Person E and Person F have just spent two weeks on holiday at their second home in Europe. On returning to the UK, they were advised that they needed to spend 14 days in quarantine at home. Despite this, they have been seen regularly by neighbours out taking exercise and going shopping for non-essential items. A neighbour has phoned the local authority to report that he saw Person E and Person F getting out of their car yesterday with shopping bags from an out-of-town home furnishings store. The same neighbour also reports that the couple have been hosting barbecues in their garden and held a birthday party in their home for over a dozen family members.



### The construction worker

Person G has tested positive for COVID-19. When contacted by Test and Trace Programme staff, he became aggressive and abusive. He has refused to self-isolate and has refused to provide details of his contacts. He has continued to go to work on a local building site. Initial investigations have found that Person G is known to the police and has a severe mental health problem.



### The bakery workers

Person H has tested positive for COVID-19. She works at a bakery which employs 100 people. The bakery has found it challenging to put in place consistent social distancing measures due to constraints with the building layout. Staff have been wearing their usual uniforms to ensure food hygiene, but no additional PPE despite working in close proximity. Some staff have chosen to ignore social distancing advice during breaks. Person H's sister and her niece have also tested positive for COVID-19, and also work at the same bakery – although they work on different shifts. Person H reports that several other staff members are coughing, but that managers are turning a blind eye because they cannot afford to allow large numbers of staff to go off sick.

### The rough sleeper

Person J is a rough sleeper. He is alcohol dependent and engages in regular street drinking with other rough sleepers. He has been sleeping on the streets for the past two years. He developed COVID-19 symptoms while living at a bed and breakfast hotel, where he had been placed by the local authority at the start of the pandemic. Hotel staff insisted that Person J had to take a COVID-19 test because he was coughing constantly in the communal areas of the hotel. He refused and departed from the hotel. Person J does not have a telephone or access to an email address and his whereabouts are currently unknown – although he is believed to be in the city where the hotel is located. He has several convictions for shoplifting and public order offences. He will often approach members of the public asking for money.





## Scenario 1 – The local resident with dementia

ENFORCING ENTITY	REQUIREMENT	LEGISLATION / CASE LAW	POWER
Public Health England  Local Authority  Police	Individual to remain in self isolation at home	<p><u>Coronavirus Act 2020</u></p> <p><u>Public Health (Control of Diseases) Act 1984</u></p> <p><u>Mental Health Act 1983</u></p> <p><u>Mental Capacity Act 2005</u></p> <p><u>R (Munjaz) v Merseycare NHS Trust [2003]</u></p>	<p><b>CV Act 2020, Sch. 21</b> enables Public Health Officer (PHE) to give directions to person as regards testing, isolation, power to detain at isolation facility and powers for police constable to use reasonable force in securing compliance. Offence not to comply.</p> <p><b>CV Act 2020, Sch. 22</b> provides powers in relation to things.</p> <p>.....</p> <p><b>PH (CoD) Act 84, Part 2A</b> provides similar powers as above to local authority but must apply for an order from a Magistrates' court. Power of constable to take person into custody if not complying with order. Offence not to comply with order.</p> <p>.....</p> <p><b>MHA 1983</b> power to detain in hospital where suffering from mental disorder and danger to self or others.</p> <p>.....</p> <p><b>s.6 MCA 2005</b> where person lacks capacity and in best interests person can be restricted provided restriction is proportionate to risk of harm involved.</p> <p>.....</p> <p><b>Common Law</b> - rule in Munjaz : power to take such steps as necessary and proportionate to prevent immediate risk of significant harm.</p>

## Scenario 2 – Hand Carwash/HMO

ENFORCING ENTITY	REQUIREMENT	LEGISLATION / CASE LAW	POWER
Public Health England	Screening of individuals	<u>Coronavirus Act 2020</u>	CV Act 2020, Sch. 21 enables Public Health Officer (PHE) to give directions to person as regards testing, isolation, power to detain at isolation facility and powers for police constable to use reasonable force in securing compliance. Offence not to comply.
Police	Self isolation		
Local Authority	Safe working practices		CV Act 2020, Sch. 22 provides powers in relation to things including power to close business.
Health and Safety Executive / Local Authority	Adequate housing provision / standards to prevent risk of spread.	<u>Public Health (Control of Diseases) Act 1984</u>	PH (CoD) Act 84, Part 2A provides similar powers as above to local authority but must apply for an order from a Magistrates' court. Power of constable to take person into custody if not complying with order. Offence not to comply with order.
Local Authority		<u>Health and Safety at Work Act 74</u>	Employers duties under s2 and s3 safety of practices as regards both employees and customers.
		<u>H&amp;S Management Regs 92</u>	Employer must carry out risk assessment
		<u>HASAWA Enf Authority Regs</u>	Service provided direct to consumer likely to be local authority enforcement The Act provides for enforcement by way of prohibition notice, improvement notice and prosecution.
		<u>Housing Act 04</u>	Powers to improve housing standards and licensing of Houses in multiple occupation HMOs where unfit can be subject to orders requiring improvement or closure.
		<u>EPA 90</u>	Where premises are prejudicial to health abatement notice available to require improvement cessation of use.



## Scenario 3 – The Day Nursery

ENFORCING ENTITY	REQUIREMENT	LEGISLATION / CASE LAW	POWER
<p>Public Health England</p> <p>Police</p> <p>Local Authority</p> <p>Health and Safety Executive / Local Authority</p> <p>Regulator, OFSTED, may need to be involved</p>	<p>To ensure staff are able to self-isolate if symptomatic</p>	<p><u>Coronavirus Act 2020</u></p> <p><u>Public Health (Control of Diseases) Act 1984</u></p> <p><u>Health and Safety at Work Act 74</u></p> <p><u>H&amp;S Management Regs 92</u></p> <p><u>HASAWA Enf Authority Regs</u></p> <p><u>The Education and Inspections Act 2006</u></p>	<p><b>CV Act 2020, Sch. 21</b> enables Public Health Officer (PHE) to give directions to person as regards testing, isolation, power to detain at isolation facility and powers for police constable to use reasonable force in securing compliance. Offence not to comply.</p> <p>.....</p> <p><b>CV Act 2020, Sch. 22</b> provides powers in relation to things including power to close business.</p> <p><b>PH (CoD) Act 84, Part 2A</b> provides similar powers as above to local authority but must apply for an order from a Magistrates' court. Power of constable to take person into custody if not complying with order. Offence not to comply with order.</p> <p>.....</p> <p>Employers duties under s2 and s3 safety of practices as regards both employees and customers.</p> <p>Employer must carry out risk assessment</p> <p>Early years provision will be local authority enforcement</p> <p>The Act provides for enforcement by way of prohibition notice, improvement notice and prosecution.</p>

## Scenario 4 – The Bus Driver

ENFORCING ENTITY	REQUIREMENT	LEGISLATION / CASE LAW	POWER
Public Health England	Ensure company provide information to prevent further deaths and spread of virus.	<u>Coronavirus Act 2020</u>	CV Act 2020, Sch. 21 Powers are drafted so they apply to infected or potentially infected persons. There is a power to give a direction that in theory could be used to compel the bus company to provide information.
Police			
Local Authority			
HM Coroner		<u>Public Health (Control of Diseases) Act 1984</u>	CV Act 2020, Sch. 22 provides powers in relation to things including power to close business.
Health and Safety Executive / Local Authority		<u>Coroners and Justice Act 2009</u>	PH (CoD) Act 84, Part 2A provides similar powers as above to local authority but must apply for an order from a Magistrates' court. Power of constable to take person into custody if not complying with order. Offence not to comply with order.
Relevant Person		<u>Health and Safety at Work Act 74</u>	
Constable		<u>H&amp;S Management Regs 92</u>	
PCSO		<u>HASAWA Enf Authority Regs</u>	If death is investigated by coroner a senior coroner has power to summons a person to attend to give evidence produce documents etc.
London - TFL officer		<u>Face Covering Regs</u>	Employer's duties under s2 and s3 safety of practices as regards both employees and customers.
Elsewhere transport operator or its staff			S27 provides for the requisition of information by an enforcing authority in order to discharge its functions. Employer must carry out risk assessment.
Possible involvement of Transport commissioner as regulator.		Likely to be HSE as employer is a transport undertaker.	
		The Act provides for enforcement by way of prohibition notice, improvement notice and prosecution.  Face coverings now mandatory on public transport.	







## Scenario 8 – The Taxi Driver

ENFORCING ENTITY	REQUIREMENT	LEGISLATION / CASE LAW	POWER
<p>Local Authority</p> <p>Public Health England</p> <p>Local Authority</p>	<p>To prevent similar behaviour and to be able trace those who may have been infected by driver</p>	<p><u>Local Govt (Miscellaneous Provisions) Act 1976</u></p> <p><u>Coronavirus Act 2020</u></p> <p><u>Public Health (Control of Diseases) Act 1984</u></p>	<p>Outside of London the licensing authority may revoke or suspend a driver or operator's licence under s61 and s62 of the LG(MP) Act 76 for "any other reasonable cause" it is suggested that failure to comply with requests for information about passengers and other users of the vehicle would amount to conduct serious enough to justify suspension/revocation.</p> <p>.....</p> <p><b>CV Act 2020, Sch. 21</b> Powers are drafted so they apply to infected or potentially infected persons. There is a power to give a direction that in theory could be used to compel the bus company to provide information.</p> <p><b>CV Act 2020, Sch. 22</b> provides powers in relation to things including power to close business.</p> <p>.....</p> <p><b>PH (CoD) Act 84, Part 2A</b> provides similar powers as above to local authority but must apply for an order from a Magistrates' court. Power of constable to take person into custody if not complying with order. Offence not to comply with order.</p>

## Scenario 9 – The Holiday Makers

ENFORCING ENTITY	REQUIREMENT	LEGISLATION / CASE LAW	POWER
<p>Constable</p> <p>Immigration Officer</p> <p>Public Health England</p> <p>Local Authority</p>	<p>Self-Isolation of those travelling from abroad into the UK.</p>	<p><u>International Travel Regs</u></p> <p><u>Coronavirus Act 2020</u></p> <p><u>Public Health (Control of Diseases) Act 1984</u></p>	<p>Failure to comply is an offence punishable by fine or fixed penalty notice.</p> <p>.....</p> <p><b>CV Act 2020, Sch. 21</b> Powers are drafted so they apply to infected or potentially infected persons. There is a power to give a direction that in theory could be used to compel the bus company to provide information.</p> <p>.....</p> <p><b>PH (CoD) Act 84, Part 2A</b> provides similar powers as above to local authority but must apply for an order from a Magistrates' court. Power of constable to take person into custody if not complying with order. Offence not to comply with order.</p>



## Scenario 11 – The Bakery Workers

ENFORCING ENTITY	REQUIREMENT	LEGISLATION / CASE LAW	POWER
<p>Local Authority Environmental Health</p> <p>Public Health England</p> <p>Police</p> <p>Local Authority</p> <p>Health and Safety Executive / Local Authority</p>	<p>To ensure safe working and limit spread of infection.</p>	<p><u>Food Hygiene England Regs</u></p> <p><u>Coronavirus Act 2020</u></p> <p><u>Public Health (Control of Diseases) Act 1984</u></p> <p><u>Health and Safety at Work Act 74</u></p> <p><u>H&amp;S Management Regs 92</u></p> <p><u>HASAWA Enf Authority Regs</u></p>	<p>As well as all the below powers, as this is a food business preparing food for consumption without further heating it may be that there is a potential hygiene/safety issue, this would enable inspectors to use food safety powers to require PPE etc. to be provided.</p> <p><b>CV Act 2020, Sch. 21</b> enables Public Health Officer (PHE) to give directions to person as regards testing, isolation, power to detain at isolation facility and powers for police constable to use reasonable force in securing compliance. Offence not to comply.</p> <p><b>CV Act 2020, Sch. 22</b> provides powers in relation to things including power to close business.</p> <p>.....</p> <p><b>PH (CoD) Act 84, Part 2A</b> provides similar powers as above to local authority but must apply for an order from a Magistrates' court. Power of constable to take person into custody if not complying with order. Offence not to comply with order.</p> <p>.....</p> <p>Employers duties under s2 and s3 safety of practices as regards both employees and customers.</p> <p>.....</p> <p>Employer must carry out risk assessment.</p> <p>.....</p> <p>The Act provides for enforcement by way of prohibition notice, improvement notice and prosecution.</p>





**Table 1 – Legal Powers Summary**

- No general power to require people to stay apart or at home
- No general power to close things as a precaution – need to prove that they are a problem
- No powers which applies to everything – need to use miscellaneous powers.

LEGISLATION	SETTING	WHAT IT DOES	ENFORCING AUTHORITY	LEGAL ISSUES	TIMESCALE TO IMPLEMENT	USEFULNESS
Public Health (Control of Disease) Act 1984 Section 45G	General	People: Allows magistrate to make an order to force a person to quarantine, stay off work etc. we if they are or may be contaminated for up to 28 days	District Council / Unitary Council  Requires Magistrates Approval	Extensive evidence requirements, including a medical report on the person(s) concerned  Order can only last 28 days	Days	Limited
Public Health (Control of Disease) Act 1984 Section 45H	General	Things: Allows magistrate to order seizure or detention or isolation or destruction of property	District Council / Unitary Council  Requires Magistrates Approval	Requirement to notify owner / person with custody	Days	Unclear how relevant it is to COVID-19 situation
Public Health (Control of Disease) Act 1984 Section 45I	General	Places: Allows magistrate to make order requiring infected premises to be closed or cleaned or destroyed	District Council / Unitary Council  Requires Magistrates Approval	Requirement to notify owner or occupier. Requirement for premises to be contaminated (rather than occupied by infected persons)	Days	Potentially useful, if we can show that premises themselves are infected

LEGISLATION	SETTING	WHAT IT DOES	ENFORCING AUTHORITY	LEGAL ISSUES	TIMESCALE TO IMPLEMENT	USEFULNESS
Public Health (Control of Disease) Act 1984 Section 45J	General	Allows Magistrate to make a group order (i.e. one of the above orders with respect to a group of people, things or places)	District Council / Unitary Council Requires Magistrates Approval	Evidential requirements still apply in same way as to individual order	Days	
Environmental Protection Act 1990 Section 79	General	Allows abatement notice to be served requiring remedial action if premises are prejudicial to health or a nuisance	District Council / Unitary Council	Appeal to magistrates' court	Days	Overlaps with section 45J of the 1984 Act.
Health Protection (Local Authority Powers) Regulations 2010/657 Regulation 8		People; allows the service on individual or groups requesting that they do not do things to spread infection.	Police or District Council / Unitary Council	No power to compel (see s45G 1984 Act)	Immediate	This relies on people doing as they are asked, it is not a power of compulsion

LEGISLATION	SETTING	WHAT IT DOES	ENFORCING AUTHORITY	LEGAL ISSUES	TIMESCALE TO IMPLEMENT	USEFULNESS
Section 35 Antisocial Behaviour Policing and Crime Act 2014	General	Allows police to disperse people if crime or disorder	District Council / Unitary Council Requires Magistrates Approval		Immediate and Lasts 48 hours Need to say that there is crime or disorder	Quick Can be used as response to an incident but not as a lockdown in the first place.
Section 43 Antisocial Behaviour Policing and Crime Act 2014	General	Community Protection notice. Notice can be served on individual or body if their conduct is having a detrimental effect of a persistent or continuing nature on the quality of life of those in the locality and the conduct is unreasonable	Police or District Council / Unitary Council	Need to give prior warning. Appeal to magistrates' court (but prohibitions continue to have effect	Immediate	Could be useful if someone breaks advisory lockdown



LEGISLATION	SETTING	WHAT IT DOES	ENFORCING AUTHORITY	LEGAL ISSUES	TIMESCALE TO IMPLEMENT	USEFULNESS
Section 59 Antisocial Behaviour Policing and Crime Act 2014	General – Public areas	<p>Public space protection order Can be made where (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or</p> <p>(b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect</p> <p>Can apply on a highway</p>	District Council / Unitary Council	Significant process to implement including consultation	Weeks	

LEGISLATION	SETTING	WHAT IT DOES	ENFORCING AUTHORITY	LEGAL ISSUES	TIMESCALE TO IMPLEMENT	USEFULNESS
<p>Health and Safety at Work Etc Act 1974 Section 22</p>	<p>Workplaces</p>	<p>If as regards any activities to which this section applies an inspector is of the opinion that, as carried on or [likely] to be carried on by or under the control of the person in question, the activities involve or, as the case may be, will involve a risk of serious personal injury, the inspector may serve on that person a notice (in this Part referred to as "a prohibition notice"). Notice may take effect immediately</p>	<p>Inspectors (either HSE or District Council / Unitary Council)</p>	<p>Need to link to the risk to staff, customers etc of infections.</p>	<p>Immediate</p>	<p>Quick and effective, query over whether infection risk is a risk of serious personal injury.  Could possibly be used for a workplace outbreak</p>

LEGISLATION	SETTING	WHAT IT DOES	ENFORCING AUTHORITY	LEGAL ISSUES	TIMESCALE TO IMPLEMENT	USEFULNESS
Licensing Act 2003 Section 51	Licensed Premises only	Review of Premises Licence, potentially either changing terms and conditions or revoking license based on Public Safety	Licensing Authority (District Council / Unitary Council)	Although it can remove licensable activities it does not prohibit other activity. So, a shop could have its right to sell alcohol removed, but it would still be able to trade and sell milk, the impact is greater on premises which are fully reliant on licensed trade such as pubs	Minimum period 1 month. However, may secure voluntary compliance sooner	Slow but may secure early compliance due to the potential long term impact
Licensing Act 2003 Section 53A	Licensed Premises only	Allows police to request licensing committee to suspend licence and have a review if premises associated with serious crime or serious disorder	Police / Licensing Authority (District Council / Unitary Council)	Would need to demonstrate 'serious disorder', which is a term not defined	Immediate subject to subsequent decision making / appeals	Useful for licensed premises if there is serious disorder

LEGISLATION	SETTING	WHAT IT DOES	ENFORCING AUTHORITY	LEGAL ISSUES	TIMESCALE TO IMPLEMENT	USEFULNESS
<p>Health Protection (Local Authority Powers) Regulations 2010/657 Regulation 2</p>	<p>Education</p>	<p>Requirement to keep a child away from school who is or may be infected</p>	<p>District Council / Unitary Council</p>	<p>Each child requires a separate notice to be served on the parents, lasts 5 days but may be renewed, note reg 3 allows for a notice to a Head teacher for information on pupils, allowing for contact tracing linked to this.</p>	<p>Immediate</p>	
<p>Education Act 2002</p>	<p>Education</p>	<p>Power for LA to give direction to governing body on health and safety grounds. Only applies to community or VC schools</p>	<p>County Council / Unitary Council</p>	<p>None</p>		<p>Would only apply to a limited number of schools – essentially only where LA is employer</p>

LEGISLATION	SETTING	WHAT IT DOES	ENFORCING AUTHORITY	LEGAL ISSUES	TIMESCALE TO IMPLEMENT	USEFULNESS
Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 Regulation 12	Care Settings	It is a criminal offence for regulated providers not to manage the risk of infection and the spread of it	Care Quality Commission	Retrospective but a powerful nudge	Retrospective	
Coronavirus Act 2020 Section 51 Schedule 21	General	<p>Power to: - direct, remove or request a constable to remove, an individual to a place suitable for screening and assessment.</p> <p>- require an individual to be screened and impose other requirements on an individual in connection with their screening and assessment</p> <p>- impose requirements and restrictions on the individual following assessment</p>	Designated Public Health Officers (PHO)	<p>PHO has reasonable grounds to suspect that an individual in England:</p> <ul style="list-style-type: none"> <li>- is, or may be, infected or contaminated with coronavirus and</li> <li>- considers that there is a risk that they will infect or contaminate others; or</li> <li>- the individual has recently travelled from a specified infected area.</li> </ul> <p>To be used in exceptional circumstances and in co-ordination with local resilience partners such as NHS Trusts, Local Authorities and police</p>	<p>Immediate if during a "transmission control period" (as declared by Secretary of State)</p> <p>Limited. Applies to individuals only</p>	

LEGISLATION	SETTING	WHAT IT DOES	ENFORCING AUTHORITY	LEGAL ISSUES	TIMESCALE TO IMPLEMENT	USEFULNESS
<p>Coronavirus Act 2020 Section 52 Schedule 22</p>	<p>General</p>	<p>Power to impose restrictions on events, gatherings and premises, including closing premises</p>	<p>Direction must be given in writing to affected person</p>	<p>Each child requires a separate notice to be served on the parents, lasts 5 days but may be renewed, note reg 3 allows for a notice to a Head teacher for information on pupils, allowing for contact tracing linked to this.</p>	<p>Immediate if exercised by Secretary of State during "transmission control period"</p>	<p>Very wide-ranging but depends upon Secretary of State exercising this power</p>





## Accessing Cheshire West and Chester Council information and services

Council information is also available in audio, Braille, large print or other formats. If you would like information in another format or language, including British Sign Language, please email us at:

**[equalities@cheshirewestandchester.gov.uk](mailto:equalities@cheshirewestandchester.gov.uk)**

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**Tel:** 0300 123 8 123 **Textphone:** 18001 01606 275757

**email:** [equalities@cheshirewestandchester.gov.uk](mailto:equalities@cheshirewestandchester.gov.uk)

**web:** [www.cheshirewestandchester.gov.uk](http://www.cheshirewestandchester.gov.uk)