

**Key Delegation Decision**  
**Decision Maker: Deputy Chief Executive**  
**Decision made pursuant to Emergency Provisions under the Constitution**

**1. Summary**

- 1.1 The Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 ('the Regulations') that came into force on 18 July 2020 grants local authorities' new powers to respond to a serious and imminent threat to public health and to prevent COVID-19 transmission in a Local Authority's area.
- 1.2 This document sets out the decision which I have made under my delegate powers as Deputy Chief Executive using my emergency powers under the Constitution to respond to the crisis.

**2. Decision(s) Taken**

**That having taken officer advice and in consultation with the Director of Public Health and with the Leader as appropriate, for the reasons set out herein I have:**

- 2.1 Taken the decision to issue a Direction pursuant Regulation 5(1) – Direction relating to events in relation to the Taplow Fireworks display as Deputy Chief Executive under the Constitution in response to the COVID-19 emergency.

**THIS DECISION MAY NOT BE CALLED IN**

**3. Background**

The Constitution confers the power on me to make a decision, whether it be an executive or a non-executive decision, in any case where for reasons of urgency a decision has to be taken forthwith and cannot be delayed for any reason.

- 3.1. The Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 ('the Regulations') that came into force on 18 July 2020 until 17<sup>th</sup> January 2021 grants local authorities new powers to respond to a serious and imminent threat to public health and to prevent COVID-19 ("coronavirus") transmission in a Local Authority's area. The overarching aim is to empower local decision-makers to act at the earliest stage for local incidents, and ensure swift national support is readily accessible where needed.
- 3.2. Following consultation with the Director of Public Health ("DPH") I determined that a Direction was necessary for the reasons set out in the Direction and satisfied myself that the following conditions were met (as required by the Regulations):

1. the Direction responds to a serious and imminent threat to public health in the Local Authority's area
  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
  3. the prohibitions, requirements or restrictions imposed by the Direction are a proportionate means of achieving that purpose
- 3.3. In making this decision and giving the Direction I had due regard to :
- a) Advice from the DPH
  - b) Earlier correspondence with the event organiser.
  - c) Advice from the Police and the Highway Authority
  - d) The fact that none of the exceptions under the Regulations applied in relation to this matter
- 3.4. A review at least once every 7 days will be conducted to determine whether the conditions continue to be met. If such a review reveals that one or more of the conditions are no longer met this Council will either revoke the direction outright or revoke the Direction but replace with a further Direction, in the case of the latter, I will need to consider the merits of such a new Direction before made. I will have regard to the advice of the DPH before making any decision following a review.
- 3.5. I confirm that I will comply with the publicity (to include publishing the Direction on the Council's website) and notice requirements.
- 3.6. I further confirm that the notice of Direction sets out the right to appeal against the Direction to a Magistrates' Court by way of complaint for an order and, further, the right to make representations to the Secretary of State about the Direction.
- 3.7. Notice of the Direction and/or revocation thereof will be given to all other relevant local authorities in accordance with Reg 11.

### **CONFIRMATION OF DECISION**

I confirm that I have made the executive key decision as set out above in accordance with authority delegated to me under either the Officer Scheme of Delegation, Constitution or Council's governance arrangements.

*Sarah Ashmead*

Signed:

Name: Sarah Ashmead

Title: Deputy Chief Executive

Date: 29 October 2020