

## **COVID-19 CASES**

The latest breakdown of cases in Leicestershire was published on the County Council's website on Wednesday, 22<sup>nd</sup> July: <https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2020/7/22/COVID-19-cases-leicesestershire-010320-to-180720.pdf>

The website also draws attention to the recently available tracker of coronavirus cases from Public Health England: <https://www.gov.uk/government/publications/covid-19-track-coronavirus-cases>

The latest weekly update of cases and deaths in Leicestershire, to follow those which have led recent Updates is now on line: <https://www.lsr-online.org/uploads/covid-19-weekly-data-update-for-leicestershire-and-rutland.pdf?v=1595355646>

This same 'Statistics & Research' site managed by the County Council (<https://www.lsr-online.org/covid-19.html>) gives access to other Covid-19 data but note this includes Rutland to whom we provide a research service. Rutland figures are included in the weekly update above.

If you would like a hard copy of any of the above, please let me know.

## **LOCAL LOCKDOWN REGULATIONS**

As promised at the member briefing on Tuesday, 21<sup>st</sup> July, the Director of Law and Governance provides the following briefing note:

### **Introduction**

1. Regulations<sup>[1]</sup> were made on 17<sup>th</sup> July coming into force on 18<sup>th</sup> July (remaining in force until 17<sup>th</sup> January 2021). The Regulations are accompanied by statutory guidance which refers to the grant of '*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 where this is necessary and proportionate to manage spread of the coronavirus in the local authority's area.*'

### **The powers**

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<sup>[1]</sup> 1The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 2020 No. 750

2. The County Council is given powers to give a direction which imposes prohibitions, requirements or restrictions in relation to individual premises, events and public out door places.

#### Individual premises<sup>[2]</sup>

3. The Council may make give a direction in relation to individual premises, for the purpose of closing the premises, restricting entry to the premises, or securing restrictions in relation to the location of persons in the premises. There is a requirement to have regard to the need to ensure the public has access to essential public services and goods before issuing a direction and the Council may not give direction in relation to premises which form part of essential infrastructure. The statutory guidance contains a non-exhaustive list of a range of infrastructure that provide essential public services and goods as well as various means of transport which are also outside of the scope of the power.
4. The direction given by the Council may impose a prohibition, requirement or restriction on the number of persons in the premises, the purposes for which a person is in the premises and the facilities in the premises.

#### Restrictions on events<sup>[3]</sup>

5. There is a power for the Council to prohibit certain events (or types of event) from taking place. A direction under this Regulation may only have the effect of imposing prohibitions, requirements or restrictions on the owner or occupier of premises for an event to which the direction relates or the organiser (or any person involved in holding such an event). Those simply planning to attend the event do not commit an offence.

#### Restriction of access to public outdoor places<sup>[4]</sup>

6. There is a power for the Council to direct the closure of, or restrict access to, a public outdoor place (or public outdoor places of a specified description). The statutory guidance refers to a known planned event or where past experience indicates a high risk that the numbers of people expected to seek to use a space would make it unsafe. There are additional consultation obligations if the closure will impact on the strategic road network.
7. Once a direction is made, people will not be allowed to enter or remain in the area without a reasonable excuse. The Regulations provide a non-exhaustive list of reasonable excuses, which include allowing access to a person's home or for work purposes etc.

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<sup>[2]</sup> Regulation 4

<sup>[3]</sup> Regulation 5

<sup>[4]</sup> Regulation 6

8. The statutory guidance states that .....’ *we would usually expect that the power would not be exercised so as to restrict social interaction between people living in the area and outside. We would usually expect directions to 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 within other Regulations. We would not usually expect directions to prevent people from travelling within an area if the start and end of their journeys are outside it, for example long distance motorway journeys that pass through the area’.*
9. Where the Council has given a direction relating to a public open space the Council must take reasonable steps to prevent or restrict public access to the public outdoor place or places to which the direction relates in accordance with the direction.

### **Grounds and procedural requirements**

10. The Council has to satisfy itself that three conditions are all met before it can give a direction under the powers referred to above. The conditions are that
  - (a) the direction responds to a serious and imminent threat to public health in the local authority’s area
  - (b) 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
  - (c) the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose
11. There is a requirement to gather sufficient evidence to demonstrate the three tests above are met. The guidance suggests evidence may be required from experts through the Local Resilience Forum, from NHS Test and Trace (including the Joint Biosecurity Centre (JBC)), from Public Health England (PHE) and from other sources.
12. There is a requirement to consult with the Director of Public Health and assess whether the conditions for taking action have been met and to have regard to any advice given by the DPH prior to issuing a direction (or deciding to revoke such a direction). The guidance indicates that the Council should consult the Police prior to issuing a direction and in relation to the closure of a public outdoor space should consult neighboring authorities (and the other tier in two tier authorities) about proposals to exercise the power. It is also necessary to engage with partners through the Local Resilience Forum to ensure emergency services are aware of proposals and manage risk, including the risk that people may travel to other local spaces.
13. Any equality impact assessment is required, and the Council must have regard to its Public Sector Equality Duty during the decision-making process.

14. The Council must take reasonable steps to give advance notice of the direction to those affected by it, i.e. the persons carrying on business from the premises affected, persons who own or occupy the land affected, those who are organising the event in question or who carry on business from premises within the public outdoor space to which the direction relates etc.
15. The Council must specify the date and time on which the prohibition/ requirement/ restriction in the direction comes into effect, and the date and time on which it will end. The notice must also include the basis on which the three conditions are met and why a specific prohibition, requirement or restriction is necessary. The Council must notify the Secretary of State that it has exercised these powers and must review their decision at least once every 7 days, to see if all three conditions still apply.

#### Additional powers

16. The County Council may direct<sup>[i]</sup> the district council to exercise any of their functions in a specified way if that is considered to be necessary and proportionate (having regard to the advice of the DPH) to prevent, protect against, delay or control the spread of coronavirus infection in the district council's area.

#### Powers of the Secretary of State

17. The Regulations<sup>[5]</sup> also enable the Secretary of State to direct the Council to issue a direction under these powers if he is satisfied that the conditions above have been met.

#### Notification requirements

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18. If the Council issues a direction, there is an obligation to notify the Secretary of State as soon as possible (within 24 hours maximum) via NHS Test and Trace. There is also an obligation to notify any neighbouring local authorities that may be affected and where notification is given that local authority must consider, as soon as may be reasonably practicable, whether to exercise its own powers under these Regulations and must notify the initiating local authority of what it has decided to do. There is also an obligation to notify the district council.

#### Appeals, enforcement and offences

19. There are rights of appeal to the Magistrates' Court, and the right to make representations to the Secretary of State. Where a direction is made, the event organiser and/or owner or occupier of a premises must fulfil the requirement of the direction until the appeal is resolved. Both the Council and the Police are given powers to enforce a direction once issued but the mechanisms are different. It is an offence to contravene the direction without a reasonable excuse and this is

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<sup>[5]</sup> Regulation 3

punishable by a fine. A fixed penalty notice can be given to a person who commits an offence and is aged 18 or over. There are powers to designate the environmental health officers of the district council to assist with the enforcement.

### The County Council's approach

20. It is intended to

- Revise the delegated authority of the Head of Regulatory Services to enable him to exercise the power to issue a direction. It is expected that the exercise of this power will be reported to the local member for information. It is believed that this will represent the best way of achieving directions in a timely and flexible way to meet the public health requirements arising, including out of hours action and enforcement.
- Designate environmental health officers from the district councils to assist with enforcement, as required.
- Work cross departmentally to produce the procedures, guidance and templates to support the County Council's function in this area and to engage with the LRF to ensure multi-agency issues are managed appropriately.

21. It is expected that there will be further guidance from Public Health England and the Department of Health and Social Care in due course and the Council will take this into account as it develops its response to the Regulations.

### **REOPENING OF NON-ESSENTIAL SHOPS IN OADBY & WIGSTON**

In accordance with Government guidance, non-essential shops in Oadby & Wigston, i.e. within the lockdown area, can reopen from today, 24<sup>th</sup> July. The County Council is working with the Borough Council through the Local Resilience Forum so that checks and any necessary enforcement procedures are operational.

### **SHIELDING AND PROTECTING VULNERABLE PEOPLE**

Government guidance as reported in previous Updates was that shielding would be relaxed from 1<sup>st</sup> August but it was not clear what that would mean for people living in the lockdown area.

At the time of writing (3 p.m., Friday, 24<sup>th</sup> July) our understanding is that people who have been shielding and live in Oadby and Wigston as part of the lockdown area will receive a letter from the Government

saying the guidance is to maintain shielding for 3 weeks but they will receive a further letter during that time.

Our understanding also is that people who have been shielding and live in those areas of Blaby and Charnwood which were taken out of the lockdown area last week will receive a letter saying the guidance is to pause shielding on 17<sup>th</sup> August.

The principle of giving reasonable notice in both cases can be seen and the importance of avoiding a cliff edge of support. The guidance, however, remains advisory.

We are seeking clarification on what this will mean in practice for matters such as support with food parcels.

### **LOCAL AUTHORITY EMERGENCY ASSISTANCE GRANT FOR FOOD AND ESSENTIAL SUPPLIES**

As mentioned first in Update 22, the Government announced on 11<sup>th</sup> June that £63m of funding will be provided to local authorities to help people who are struggling with food and other essentials due to Covid-19. Allocations of funding have been made to upper tier local authorities and the award for the County Council is £541,860. This is a scheme managed by the Department for Environment, Food and Rural Affairs (DEFRA) and their funding allocation model has distributed funds on the basis of population weighted by a proxy measure of need, the Index of Multiple Deprivation.

Using the same model, the £541,860 grant is being allocated principally to foodbanks and emergency support on a district basis, with some small additional funding for signposting on the same basis and for food parcels retained centrally.

### **LOCAL GOVERNMENT FUNDING**

- at the member briefing on Tuesday, 21<sup>st</sup> July, the dire financial position facing all local authorities was outlined in detail. The County Council, along with the rest of local government, is under severe pressure in the immediate short term with a forecast budget shortfall of c£30m in 2020/21. Given recent economic forecasts from the Office of Budget Responsibility there is no doubt that the pressure on public finances will continue for the foreseeable future.
- the County Council came into the crisis with sound finances so we will not suffer the acute financial issues of many other authorities. Many of those have already contacted Government for bespoke financial support.
- the County Council has already put in place many actions to mitigate rising costs and loss of income. Further actions are planned and the Medium Term Financial Strategy approach will be

considered by Cabinet and Scrutiny in September. This will inevitably include the need for further savings and further actions to contain rising demand for services. Without a major Government initiative such as reorganisation and major reform to local authority funding, the future looks hugely challenging.

## **ADULT SOCIAL CARE; CHILDREN'S SOCIAL CARE**

The situation in these service areas is more or less unchanged from last week.

## **LIBRARIES**

- Click and Collect was launched at 11 out of 16 County Council run libraries on 6<sup>th</sup> July, and at Blaby library on 13<sup>th</sup> July. Customers can request online or by phone.
- Birstall and Glenfield libraries, no longer in the lockdown area, started Click and Collect services from Monday, 20<sup>th</sup> July.
- 494 requests had been submitted at the last count. Positive comments were received on the Facebook page, e.g. "We were very pleased with our selection from Blaby library this morning. Made two young children beam with excitement! Thank you".
- following the easing of the lockdown boundary, 2 County Council libraries remain closed – Oadby & Wigston and a community managed library in South Wigston.
- a workplace recovery team is supporting County Council managed libraries on the next phase of offering a browsing service as from Monday, 3<sup>rd</sup> August.
- to date over 700 children have signed on to the annual Summer Reading Challenge which this year is being delivered nationally online.

## **SCHOOL TRANSPORT**

We expect to publish a statement in the next week on how the County Council will be providing transport in September for pupils at mainstream schools and for pupils with special educational needs and disabilities.

## **REGULATORY SERVICES**

- Anstey Frith House on the County Hall campus has now reopened to the public for birth registrations, marriage ceremonies and civil partnership formations.
- there are around 700 births waiting to be registered and current demand indicates it will be several months before the backlog is resolved.
- all other registration offices, with the exception of Bassett Street, Wigston (closed due to the lockdown) will be extending the hours of opening to assist in clearing the backlog.
- there are 30 notices of marriage outstanding and the first wedding ceremony at Anstey Frith House, post the lockdown, takes place on 30<sup>th</sup> July.

## **HERITAGE SITES**

- Bosworth Battlefield has created a series of home learning resources available for free via the website (<https://www.bosworthbattlefield.org.uk/learning-new/home-schooling-resources/>) which are designed to support pupils' learning about medieval history – in particular the War of the Roses, Battle of Bosworth Field and Henry Tudor, and also Roman Britain and the Boudiccan Revolt.

Resources available include:

- “Life and death of Richard III” - a graphic novel film
  - York & Lancaster Family Tree
  - War of the Roses Timeline
  - ‘In character’ video clips showing a knight arming for battle; a medieval foot soldier; and a mercenary
  - also fun activities such as Bosworth themed word search and quiz
  - in person video clips explaining the Roman army and the Boudiccan Revolt
- the 1620s House & Garden at Donington le Heath has developed a virtual tour of the house and the gardens, giving a flavour of Tudor and Jacobean England. In addition there is a historical maths challenge and a 1620s quiz.
  - we have also been providing quizzes and mystery object challenge via social media – using the themes Mystery Object Mondays; Tutoring Tuesdays; and Fascinating Friday Finds.
  - work is underway to put in place safe environments to welcome the public back to all our museum and heritage sites. We are planning to be in a position to welcome visitors back to our sites in September. We will be asking visitors to book in advance, via our websites, even for our free entry sites. This will allow us to control numbers and capture contact details Test and Trace. We will be asking customers to use contactless or chip and pin payments initially. All our sites have lots of



interactive exhibits and activities, so we are looking at how we can provide these in an alternative format where possible. Charnwood Museum is looking to re-open mid-August, potentially 2 weeks earlier than other sites.

## **STAFF WELLBEING SURVEY**

Several weeks ago staff were asked for feedback on a range of issues to help monitor and improve wellbeing. More than 3,000 staff responded to this initial survey and a number of actions have been completed. The survey has now been re-opened, and will be repeated periodically, to review interventions.

## **OFFICE WORK**

Following recent Government announcements, our approach is currently unaltered as we have made our workplaces Covid-secure and have provided space to which critical staff can return. All staff should continue to work from home and only come to a workplace if they have been allocated a 'recovery workstation' and been given permission from their head of service.

We are progressing a number of approaches to increase capacity and flexibility such as the desk booking system, and adaptations to meeting spaces which will allow for more staff to use these facilities in the coming weeks and months, but for now the message and approach remains unchanged.

## **LOCAL RESILIENCE FORUM**

The local NHS (covering Leicester, Leicestershire and Rutland) have taken over the chair of the LRF's Strategic Co-ordinating Group from Leicestershire Police.

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<sup>[1]</sup> Regulation 17