



## **COVID19 Contain Framework: National and Local powers to contain outbreaks**

### **Background**

The York Outbreak Control Plan makes reference to national and local lockdowns, as was the situation at the time of writing the Plan in June 2020. This paper updates the detail in the Plan following the issuing of further national guidance and associated Regulations.

### **Local Powers**

On 18<sup>th</sup> July 2020 The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 came into force. These regulations set out the powers that Local Authorities have to impose restrictions in order to reduce the risk of transmission of coronavirus. The Regulations allow for local authorities to:

- restrict access to, or close, individual premises
- prohibit certain events (or types of event) from taking place
- restrict access to, or close, public outdoor places (or types of outdoor public places)

In order to enact these powers, the local authority must be able to provide evidence that the following three conditions have been met:

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

A local decision to restrict types of events or types of places across York, would be progressed through the governance structure outlined within the Outbreak Control Plan, and would be based on data giving evidence that such events or places were driving a rise in infection rates across the City. A local decision to restrict a specific event being planned for York, would be agreed at the Outbreak Management Group, based upon evidence gathered through routes such as licencing applications, Safety Advisory Group meetings, or planning applications. An internal Council procedure is in place to enact this.

## **National Powers**

The direction for local restrictions could also come from the Secretary of State, with the local authority being responsible for enacting the restrictions.

A wide range of indicators are being monitored to ensure constant situational awareness around Covid across England. The indicators will help provide an early-warning system to enable early, preventative action. This monitoring will enable an understanding of the virus progression and level of risk within a local authority area. The majority of areas will be operating as 'business as usual'. However, at any one time, some areas will be designated (by the national command structure) as being in one of the following categories:

- area(s) of concern – a watch list of areas with the highest prevalence, where the local area is taking targeted actions to reduce prevalence – for example additional testing in care homes and increased community engagement with high risk groups
- area(s) of enhanced support – for areas at medium/high risk of intervention where there is a more detailed plan, agreed with the national team and with additional resources being provided to support the local team (eg epidemiological expertise, additional mobile testing capacity)
- area(s) of intervention – where there is divergence from the measures in place in the rest of England because of the significance of the spread, with a detailed action plan in place, and local resources augmented with a national support

National decision-making will take place through the government's Local Action Committee command structure, which can escalate concerns and issues to the COVID Operations Committee to engage ministers across government.

In the instance of York being designated as being in any of the above categories, the Outbreak Management Group will brief the Outbreak Management Advisory Board, and will work with national partners to agree and implement a local plan.

Fiona Phillips/Sharon Stoltz – 7<sup>th</sup> September 2020