

EXPLANATORY MEMORANDUM TO

THE HEALTH PROTECTION (CORONAVIRUS, LOCAL COVID-19 ALERT LEVEL) (HIGH) (ENGLAND) (AMENDMENT) REGULATIONS 2020

2020 No. 1128

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Health and Social Care and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This instrument makes provision for certain areas to be moved from Local Covid Alert Level Medium to Local Covid Alert Level High enabling the higher tier public health measures provided for in the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 to be applied to these areas.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The instrument is made under the emergency procedure set out in section 45R of the Public Health (Control of Disease) Act 1984 (c. 22). This instrument is made without a draft having been laid and approved by a resolution of each House of Parliament. It is the opinion of the Secretary of State that, by reason of urgency, it is necessary to make this instrument without a draft being so laid and approved so that public health measures can be taken in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- 3.2 This instrument was made on 15 October 2020 and was published on www.legislation.gov.uk later that day. This instrument will come into force on 17 October 2020. This instrument will cease to have effect at the end of the period of 28 days beginning with the day on which it is made unless, during that period, it is approved by a resolution of each House of Parliament. Further, this instrument provides that it will expire at the end of the period of six months beginning with the day on which it comes into force.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.3 The entire instrument applies to England only.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

5.1 The Secretary of State for Health and Social Care Matt Hancock MP has made the following statement regarding Human Rights:

“In my view the provisions of the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) (Amendment) Regulations 2020 are compatible with the Convention rights”

6. Legislative Context

6.1 This instrument is made under section 45C of the Public Health (Control of Disease) Act 1984 (the “1984 Act”) to enable a number of public health measures to be taken for the purpose of reducing the public health risks posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

6.2 In accordance with section 45R of the Act, the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

6.3 The instrument moves various geographical areas from Local Alert Level Medium to Local Alert Level High. Areas determined to be at Local Alert Level High will adhere to the regulations set out in the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020. Areas allocated to Local Alert Level High will be subject to review and may move to Local Alert Level Medium or Local Alert Level Very High accordingly.

7. Policy background

What is being done and why?

Local Covid Alert Levels

7.1 The introduction of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, and the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 on 12 October 2020 rationalised local interventions.

7.2 The framework consists of three local Alert Levels, with Local Covid Alert Level Medium consisting of the current national measures and representing the minimum level of restrictions in place across England. Local Covid Alert Level High is triggered in geographical areas where there is a rise in transmission, or nationally when there has been a rise in transmission which cannot be contained through other, localised means. Local Covid Alert Level Very High is triggered in geographical areas or nationally when Local Covid Alert Level High measures have not contained the spread of the virus or where there has been a significant rise in transmission. The local areas allocated to Local Covid Alert Levels High and Very High are reviewed every two weeks.

7.3 This approach enables a coherent set of interventions across England, making it easier to communicate what restrictions apply in each area to the public, which will increase the likelihood of compliance and the effectiveness of social distancing measures. It will also allow the public to understand the consequences of non-adherence to

measures (i.e., moving to a higher alert level) and plan for what they will do differently if the Local Covid Alert Level of their area changes.

Areas moving from Local Covid Alert Level Medium to Local Covid Alert Level High

7.4 In response to recent data, this instrument moves the following areas from Local Covid Alert Level Medium to Local Covid Alert Level High:

- Barrow-in-Furness Borough Council;
- City of York Council;
- North East Derbyshire District Council;
- Chesterfield Borough Council; and
- Erewash Borough Council.

Greater London

- London Borough of Barking and Dagenham;
- London Borough of Barnet;
- London Borough of Bexley;
- London Borough of Brent;
- London Borough of Bromley;
- London Borough of Camden;
- London Borough of Croydon;
- London Borough of Ealing;
- London Borough of Enfield;
- Royal Borough of Greenwich;
- London Borough of Hackney;
- London Borough of Hammersmith and Fulham;
- London Borough of Haringey;
- London Borough of Harrow;
- London Borough of Havering;
- London Borough of Hillingdon;
- London Borough of Hounslow;
- London Borough of Islington;
- Royal Borough of Kensington and Chelsea;
- Royal Borough of Kingston upon Thames;
- London Borough of Lambeth;
- London Borough of Lewisham;
- London Borough of Merton;
- London Borough of Newham;
- London Borough of Redbridge;
- London Borough of Richmond upon Thames;
- London Borough of Southwark;
- London Borough of Sutton;

- London Borough of Tower Hamlets;
- London Borough of Waltham Forest;
- London Borough of Wandsworth;
- The Common Council of the City of London; and
- Westminster City Council

Surrey

- Elmbridge Borough Council.

Essex

- Basildon Council;
- Braintree District Council;
- Brentwood Borough Council;
- Castle Point Borough Council;
- Chelmsford City Council;
- Colchester Borough Council;
- Epping Forest District Council;
- Harlow Council;
- Maldon District Council;
- Rochford District Council;
- Tendring District Council; and
- Uttlesford District Council.

Restrictions for Local Alert Level High

- 7.5 Areas at Alert Level High must comply with the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020. This means they must comply with Local Covid Alert Level Medium restrictions, except where these restrictions are superseded by the further restrictions placed upon Local Covid Alert Level High areas. These further restrictions limit social contact (with the exception of some life events and sporting activities) and are aimed primarily at targeting household to household transmission.

8. European Union (Withdrawal) Act 2018/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act 2018.

9. Consolidation

- 9.1 Not applicable.

10. Consultation outcome

- 10.1 There has been no public consultation in relation to this instrument.

11. Guidance

- 11.1 The Government has published guidance in relation to Covid-19 at www.gov.uk/coronavirus and this guidance will include information in relation to geographic areas subject to closures and restrictions on movements and gatherings under this instrument.

12. Impact

- 12.1 This instrument is a temporary provision as part of the Government's response to Covid-19, lasting only six months. As this instrument will cease to have effect after less than 12 months, a Regulatory Impact Assessment is not required and would be disproportionate.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The approach to monitoring of this legislation is that the instrument ceases to have effect at the end of the period of 28 days beginning with the day on which it is made unless, during that period, the instrument is approved by a resolution of each House of Parliament. Further, the instrument itself provides that it expires at the end of the period of six months beginning with the day on which it came into force.
- 14.2 Regulation 8 of the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 provides that the Alert Level High restrictions must be reviewed every 28 days starting from the coming into force date. In addition, Regulation 8 provides that the areas that are part of the Alert Level High must be reviewed every 14 days to determine if they should continue to be part of the Alert Level High area. The review must consider whether each of the Alert Level High restrictions continues to be necessary in the areas to which they relate for the purposes of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection in England with the coronavirus.

15. Contact

- 15.1 Beatrice Fannon at the Department for Health and Social Care Telephone: 020 7210 6346 or email: beatrice.fannon@dhsc.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Kevin Dodds Deputy Director for Social Distancing Strategy, at the Department for Health and Social Care can confirm that this explanatory memorandum meets the required standard.
- 15.3 Matt Hancock MP, Secretary of State for Health and Social Care at the Department of Health and Social Care can confirm that this explanatory memorandum meets the required standard.