

EXPLANATORY MEMORANDUM TO

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

2020 No. 1154

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 enables a number of public health measures to be taken to reduce the public health risk posed by the spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). It moves certain areas from Local Covid Alert Level Medium to Local Covid Alert Level High and others from Local Covid Alert Level High to Local Covid Alert Level Very High. This enables the higher tier public health measures provided for in 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 to be applied to these areas, respectively.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 This 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 22 October 2020 and was published on www.legislation.gov.uk later that day. This instrument will come into force on 23 October 2020, save for the provisions in relation to South Yorkshire areas, the change to the Liverpool City Region restrictions and the additions of further areas into Local Covid Alert Level High, which come into force on 24 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.

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) (Medium, High and Very 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 This instrument moves various geographical areas from being subject to the restrictions in the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (referred to as an area being in ‘Local Covid Alert Level Medium’) to being subject to the restrictions in the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 (referred to as an area being in ‘Local Covid Alert Level High’). It also moves various geographical areas from being subject to the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 (referred to as an area being in ‘Local Covid Alert Level High’) to being subject to the restrictions in the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 (referred to as an area being in ‘Local Covid Alert Level Very High’), and also included additional targeted restrictions for those specific areas in question. Areas allocated as being in Local Covid Alert Level High will be subject to regular review and may move to being in Local Covid Alert Level Medium or Local Covid Alert Level Very High accordingly. The areas allocated to Local Alert Level Very High cease to be under that restriction at the end of 28 days.

6.4 This instrument corrects errors to 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 and is being issued free of charge to all known recipients of those Statutory Instruments.

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 14 October 2020 rationalised local Covid-19 interventions.
- 7.2 The Local Covid Alert Level framework consists of three local Alert Levels, with Local Covid Alert Level Medium consisting of the national measures that were in place prior to the introduction of the Local Covid Alert Levels and representing the minimum level of restrictions in place across England at that time. 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 must be reviewed at least every 14 days and the restrictions in the Local Alert Level High and Very High must be reviewed at least every 28 days.
- 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.
- 7.4 Decisions about the appropriate Local Covid Alert Level in each area is made by the Government in discussion with local leadership and Directors of Public Health. Decisions are not based upon a single epidemiological factor, nor is there an automatic trigger for escalation. Instead, decisions are based upon recommendations provided by the Joint Biosecurity Centre and Covid-19 Task Force based on close monitoring of data and the spread of the virus across local areas. As part of this, the Joint Biosecurity Centre will consider prevalence, particularly in the over-60s, and positivity rates, as well as the capacity of local health services and the effectiveness of current interventions in the area. In addition, consideration will be given to the specific characteristics of individual areas, such as specific outbreaks and the impact of changes on the local economy and people's lives.

Substance of the regulations

- 7.5 This instrument move certain areas between the three Local Covid Alert Levels as set out below. They also make provision for specific business closure requirements to apply to specified areas that are within the Local Covid Alert Level Very High, as detailed below.

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

7.6 In response to recent data, this instrument moves the following local authority areas from Local Alert Level Medium to Local Alert Level High:

- Berkshire – Slough Borough Council; and
- Staffordshire - Stoke-on-Trent City Council
- West Midlands – Coventry City Council

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

7.7 In response to recent data, this instrument moves the specified local authority areas listed below, from Local Covid Alert Level High to Local Covid Alert Level Very High:

Greater Manchester

- Bolton Metropolitan Borough Council;
- Bury Metropolitan Borough Council;
- Manchester City Council;
- Oldham Metropolitan Borough Council;
- Rochdale Borough Council;
- Salford City Council;
- Stockport Metropolitan Borough Council;
- Tameside Metropolitan Borough Council;
- Trafford Metropolitan Borough Council; and
- Wigan Metropolitan Borough Council.

South Yorkshire

- Barnsley Metropolitan Borough Council;
- Doncaster Council;
- Rotherham Metropolitan Borough Council; and
- Sheffield City Council.

7.8 In addition to the baseline measures in the Local Covid Alert Very High regulations, the following businesses will close:

Greater Manchester

- betting shops and adult gaming centres;
- bingo halls;
- casinos; and
- soft play areas and soft play centres.

South Yorkshire

- betting shops and adult gaming centres;
- casinos; and
- soft play areas and soft play centres.

- 7.9 Following a request from the Local Authorities, the closure requirements placed on indoor gyms, fitness and dance studios and indoor sports facilities in respect of Liverpool City Region in the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 are removed with these amending regulations. Those businesses will not now be prohibited from opening.
- 7.10 This instrument will also close ‘soft play areas and soft play centres’ in the Liverpool City Region and add the requirement to close ‘soft play centres’ in Lancashire, where ‘soft play areas’ are already closed, amending the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 to reflect this.

Corrections to errors to SI S.I. 2020/1103; S.I. 2020/1104 and S.I. 2020/1105

- 7.11 The instrument makes minor technical drafting and clarification amendments to 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, including adding provisions which clarify the relevant Local Covid Alert Level for premises situated on more than one such Local Covid Alert Level.

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 under European Union (Withdrawal) Act 2018.

9. Consolidation

- 9.1 This instrument does not consolidate any legislation.

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 The instruments that this instrument amends are temporary provisions, which are part of the Government’s response to Covid-19, lasting only six months each. 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 restrictions under 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 must be reviewed at least once every 28 days with the first review being by 11 November 2020 to ensure that they continue to be necessary for the purposes of preventing, protecting against, controlling or providing a public health response to the incidence or spread of the Coronavirus infection in England.
- 14.2 Areas that are a part of the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 must be reviewed at least once every 14 days with the first review being by 28 October. Areas that are part of the Alert Level Very High cease to have effect under the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 after 28 days, beginning with the day on which that inclusion came into force.

15. Contact

- 15.1 Beatrice Fannon at the Department of Health and Social Care Telephone: 0207 210 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 of 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.