

# Changes to local authority powers and duties

Health protection, Children's services, Education, Non-domestic rating and resulting from new and updated Coronavirus Regulations 2021

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## Introduction

This is a guide to the provisions of:

- the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021
- the Early Years Foundation Stage (Learning and Development Requirements) (Coronavirus) (Amendment) Order 2021
- the Adoption and Children (Coronavirus) (Amendment) Regulations 2021
- the Valuation for Rating (Coronavirus) (England) Regulations 2021
- the Non-Domestic Rating (Transitional Protection Payments and Rates Retention) (Coronavirus) (Amendment) Regulations 2021
- the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2021
- the Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Coronavirus) (Amendment) Order 2021
- the Education (School Day and School Year) (England) (Coronavirus) (Amendment) Regulations 2021
- the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020
- the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020

and to modified or revoked local government powers and duties applicable to local authorities in England only up to November 2021. It is a guide and not legal advice and so if you are unsure or have any concerns about the meaning of or applicability of the Act or any of the provisions made under the Act you should seek your own detailed legal advice.

Information in this document can also be downloaded as a [Comma Separated Variables \(CSV\) spreadsheet](#).

## Revised duties

**Function(s): Administration and government – Internal operation – Human resources**

### Schools - teacher induction (England)

The head teacher of an institution in which a person is serving an induction period and the local authority (as the “appropriate body”) are responsible for that person's supervision and training during that induction period. Where a person serving an induction period is employed in two or more institutions simultaneously, the head teachers of those institutions must agree which of them, and which appropriate body, is to be responsible for that person's supervision and training. On completion of an induction, the head teacher or principal of the institution where induction is completed must make a recommendation to the appropriate body as to whether standards have been met.

Legislation: [Education \(Induction Arrangements for School Teachers\) \(England\) Regulations 2012](#)

Notes: Amended by the Education (Induction Arrangements for School Teachers) (England) (Coronavirus) (Amendment) Regulations 2020 to state that the induction period does not need to be extended where the person serving the induction period is absent from work on more than 30 days for a reason relating to the incidence or transmission of coronavirus. Applies in: England from 01/09/2020

Applies to: Still in force from 01/09/2021  
Applies to: All local authorities in England

**Function(s): Business and employment – Business rates**

**Non-domestic rating - local rating lists**

The valuation officer for a billing authority shall compile, and then maintain, lists for the authority (to be called its local non-domestic rating lists). As soon as is reasonably practicable after receiving the copy the authority shall deposit it at its principal office and take such steps as it thinks most suitable for giving notice of it.

Legislation: [Section 41 of the Local Government Finance Act 1988](#)

Notes: Revised by Regulation 2 of the Valuation for Rating (Coronavirus) (England) Regulations 2021 to change the way in which the value of hereditaments is calculated from 25<sup>th</sup> March 2021 where the rateable value shown in a 2017 list for that hereditament would be affected as a result of Coronavirus.

Applies in: England from 25/03/2021  
Applies to: All local authorities in England

**Non-domestic rating - rates retention**

Local authorities (billing authorities) may deduct amounts as prescribed from the central share payable to the Secretary of State or to county councils, fire and rescue authorities in whose area the billing authority is and, for London authorities, the Greater London Authority as prescribed and as may be directed. Provisions may be made in relation to costs, bad debts, reconciliation and for surplus or deficit calculations and according to prescribed time limits.

Legislation: [Regulation 9 of the Non-Domestic Rating \(Rates Retention\) Regulations 2013](#)

Notes: Revised by the Non-Domestic Rating (Transitional Protection Payments and Rates Retention) (Coronavirus) (Amendment) Regulations 2021 to change the way in which payments are calculated and made for years beginning on 1<sup>st</sup> April 2020 or 1<sup>st</sup> April 2021.

Applies in: England from 01/03/2013  
Applies to: All local authorities in England

**Non-domestic rating - transitional protection payments**

Where a transitional relief scheme is in place a local authority (billing authority) must, on 31<sup>st</sup> January in the preceding year, estimate the amount of its deemed and actual ratings income for the relevant year (as prescribed) and notify the Secretary of State of the estimated amounts. On or before 31<sup>st</sup> July in the year following a relevant year a billing authority must calculate the amount of its deemed and actual ratings income for the relevant year, arrange for the calculations and amounts to be certified and, if necessary, pay a reconciliation payment (calculated as prescribed).

Legislation: [Regulation 6 of the Non-Domestic Rating \(Transitional Protection Payments\) Regulations 2013](#)

Notes: Revised by the Non-Domestic Rating (Transitional Protection Payments and Rates Retention) (Coronavirus) (Amendment) Regulations 2021 to substitute 30<sup>th</sup> November for

31st July where the relevant year began on 1st April 2019 and to substitute 30th September where the relevant year began on 1st April 2020 or 1st April 2021.

Applies in: England from 18/02/2013  
Applies to: All local authorities in England

### **Function(s): Community safety - Emergencies**

#### **Health emergency - approval of directions in respect of Crown Land**

A local authority may not, without the agreement of the appropriate authority, give a direction under regulation 6(1) in relation to a public outdoor place which forms part of Crown land and includes property to which section 73 of the Public Health (Control of Disease) Act 1984 (Crown property) applies.

Legislation: [Regulation 8 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022  
Applies to: All local authorities in England

#### **Health emergency - duty to comply with Secretary of State**

A local authority must give a direction in relation to the imminent threat of a public health emergency where directed to do so by the Secretary of State.

Legislation: [Regulation 3 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022  
Applies to: All local authorities in England

#### **Health emergency - giving and publishing directions**

Where a local authority gives a direction under regulation 4(1), 5(1) or 6(1) which imposes a prohibition, requirement or restriction on a person specified by name, or revokes such a direction, the direction or notice of revocation must be given in writing to that person, and may be published in such manner as the local authority considers appropriate to bring it to the attention of other persons who may be affected by it.

In any other case, a direction given by a local authority under regulation 4(1), 5(1) or 6(1) or notice of revocation of such a direction must be published on the website of the local authority and may be published in such other manner as the local authority considers appropriate to bring it to the attention of persons who may be affected by the direction or the revocation.

A direction given by a local authority under regulation 4(1), 5(1) or 6(1) must specify the power in these Regulations under which the direction is given.

Legislation: [Regulation 10 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022

Applies to: All local authorities in England

**Health emergency - notification of directions**

Where a local authority (the "initiating authority") gives a direction under regulation 4(1), 5(1) or 6(1), or revokes such a direction, the initiating authority must notify:

- (a) any local authority whose area is adjacent to the initiating authority's area,
- (b) where the initiating authority is a London borough council, every other London borough council,
- (c) where the initiating authority is the county council for an area for which there is also a district council, the district council, and
- (d) where the initiating authority's area is adjacent to the area of a council in Scotland constituted under section 2 of the Local Government etc (Scotland) Act 1994 or a county or county borough council in Wales, that council.

Where a local authority is notified under paragraph (1)(a) or (b), the authority must:

- (a) consider, as soon as may be reasonably practicable, whether to exercise its own powers under these Regulations,
- (b) notify the initiating authority of what it has decided to do, and
- (c) if it is a county council for an area for which there is also a district council, notify the district council of the matter notified to it by the initiating authority and of its own decision.

Legislation: [Regulation 11 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022

Applies to: All local authorities in England

**Health emergency - notification, review and revocation of directions**

Where a local authority has given directions in response to a serious and imminent threat to public health the authority must:

- notify the Secretary of State as soon as reasonably practicable after the direction is given
- at least once every 7 days review whether the threat to public health still exists
- revoke the direction where the conditions under which it was given no longer apply.

Legislation: [Regulation 2 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this duty is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022

Applies to: All local authorities in England

## **Function(s): Health and social care – Children and families – Early years and childcare**

### **Early years - assessment arrangements**

An English local authority must make provision to ensure the accuracy and consistency of foundation profile assessments made by early years providers in their area.

An authority must have regard to any guidance given by the Qualifications and Curriculum Authority in exercising their function with regard to foundation profile assessments.

Legislation: [Section 4 of the Early Years Foundation Stage \(Learning and Development Requirements\) Order 2007](#)

Notes: Amended by The Early Years Foundation Stage (Learning and Development Requirements) (Coronavirus) (Amendment) Order 2021 to modify assessment arrangements in response to Coronavirus.

Applies in: England from 01/09/2008

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Early years - learning and development requirements**

Early years providers must have regard to the the relevant provisions of the "Statutory Framework for the Early Years Foundation Stage" published by the Secretary of State in securing that the early years provision they provide meets the learning and development requirements.

Legislation: [Early Years Foundation Stage \(Learning and Development Requirements\) Order 2007](#)

Notes: Amended by The Early Years Foundation Stage (Learning and Development and Welfare Requirements) (Coronavirus) (Amendment) Regulations 2020 and The Early Years Foundation Stage (Learning and Development Requirements) (Coronavirus) (Amendment) Order 2021 to modify assessment arrangements in response to Coronavirus.

Applies in: England from 01/09/2008

Applies to: Currently in force, end date for Coronavirus modifications of 31/08/2021 has been removed

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Early years - welfare requirements**

A local authority must comply with obligatory requirements in relation to welfare in securing early years provision

Legislation: [Early Years Foundation Stage \(Welfare Requirements\) Regulations 2012](#)

Notes: Amended by The Early Years Foundation Stage (Learning and Development and Welfare Requirements) (Coronavirus) (Amendment) Regulations 2021 to to amend welfare requirements where it is not reasonably practicable for a provider to comply as a result of restrictions or requirements related to Coronavirus.

Applies in: England from 01/09/2008

Applies to: Currently in force, end date for Coronavirus modifications of 31/08/2021 has been removed

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

## **Function(s): Health and social care – Children and families – Fostering and adoption**

### Adoption agencies - number of attendees for conducting business

Where a local authority is an Adoption Agency, it must, with regard to meetings of adoption panels ensure no business is conducted by an adoption panel unless at least the following meet as the panel —

- (a) either the person appointed to chair the panel or one of the vice chairs,
- (b) one person falling within regulation 3(1)(a),
- (c) one other independent person

An adoption panel must also make a written record of its proceedings, its recommendations and the reasons for its recommendations.

Legislation: [Regulation 6 of the Adoption Agencies Regulations 2005](#)

Notes: Requirement (c) changed from three, or in the case of an adoption panel established under regulation 4(3) four, other members and where the chair is not present and the vice chair is not an independent person, at least one other panel member must be an independent person by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020. Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021

Applies in: England from 30/12/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### Adoption - child's permanence report

When acting as an adoption agency the authority must prepare a written report (“the child’s permanence report”) which shall include information as specified in regulations.

The adoption agency must send the child's permanence report, the child's health report and any other report referred to in regulation 15 and the information relating to the health of each of the child’s natural parents to the adoption panel.

The adoption agency must obtain, so far as is reasonably practicable, any other relevant information which may be requested by the adoption panel and send that information to the panel.

Legislation: [Regulation 17 of the Adoption Agencies Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 as follows:

In a case not falling within paragraph (2), the adoption agency must decide whether to—

- (a) require the case to be referred to an adoption panel, or
- (b) proceed to make a decision under regulation 19 without such a referral and, where the case is to be referred to the adoption panel, the adoption agency must send the information and reports referred to in paragraph (2D) to the adoption panel.”. Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021

Applies in: England from 30/12/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### Adoption - decision on placing for adoption

The adoption agency must:

- In any case referred to the panel under regulation 17(2C) take into account the recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption.
- Take into account the information and reports referred to in regulation 17(2D), and any other relevant information, in coming to a decision about whether the child ought to be placed for adoption.

No member of the adoption panel [or person on the central list] shall take part in any decision made by the adoption agency.

Legislation: [Regulation 19 of the Adoption Agencies Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 from 'Any case falling within regulation 17(2C)'. Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021

Applies in: England from 30/12/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Adoption - prospective adopter's case record**

(1) The adoption agency must set up a case record in respect of the prospective adopter ("the prospective adopter's case record") and place on that case record—

- (a) the prospective adopter stage one plan;
- (b) the information and reports obtained by the agency by virtue of this Part;
- (c) the prospective adopter assessment plan;
- (d) the prospective adopter's report and the prospective adopter's observations on that report;
- (e) Where applicable the written record of the proceedings of the adoption panel under regulation 30A (and where applicable regulation 30B(8)), its recommendation, the reasons for the recommendation and any advice given by the panel to the agency;
- (f) the record of the agency's decision under regulation 30B(1), (6) or as the case may be (9);
- (g) where the prospective adopter applied to the Secretary of State for a review by an independent review panel the recommendation of that review panel;
- (h) where applicable, the prospective adopter's review report and the prospective adopter's observations on that report;
- (i) the prospective adopter matching plan; and
- (j) any other documents or information obtained by the agency which it considers should be included in that case record.

Legislation: [Regulation 23 of the Adoption Agencies Regulations 2005](#)

Notes: Amended by the The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to insert the words 'Where applicable' at the beginning of 23e. As amended by the The Adoption Agencies (Miscellaneous Amendments) Regulations 2013. Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021

Applies in: England from 30/12/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Adoption - other pre-assessment information**

The adoption agency must:

- (a) obtain the information about the prospective adopter which is specified in Part 1 of Schedule 4
- (b) obtain a written report from a registered medical practitioner about the health of the prospective adopter following a full examination which must include the matters specified in Part 2 of Schedule 4 unless the agency has received advice from its medical adviser that such an examination and report is unnecessary
- (c) obtain a written report of each of the interviews with the persons nominated by the prospective adopter to provide personal references for the prospective adopter
- (d) where the adoption agency considers it necessary, obtain a personal reference from the prospective adopter's former spouse, civil partner or partner
- (e) where it is not the local authority in whose area the prospective adopter has their home ascertain whether the local authority in whose area the prospective adopter has their home have any information about the prospective adopter which may be relevant to an assessment of the prospective adopter's suitability to adopt and if so obtain from that authority a written report setting out that information.

Legislation: [Regulation 26 of the Adoption Agencies Regulations 2005](#)

Notes: Amended as a result of the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to allow a decision to be made even if information requested has not yet been obtained. As amended by the Adoption Agencies (Miscellaneous Amendments) Regulations 2013. Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021

Applies in: England from 30/12/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Adoption - pre-assessment decision**

The adoption agency must, taking into account the information obtained under regulations 25 and 26, decide whether—

- (a) the prospective adopter may be suitable to adopt a child; or
  - (b) that the prospective adopter is not suitable to adopt a child.
- (2) Subject to paragraph (3), the agency must make its decision under paragraph (1) within a period of two months from the date on which the adoption agency notified the prospective adopter that they had decided to proceed with the pre-assessment process in accordance with regulation 21.

Legislation: [Regulation 27 of the Adoption Agencies Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to allow a decision to be made where information required under regulations 25 and 26 has yet to be received and allows a relaxation of the time period for making a decision where the specified two months is not reasonably practicable. As amended by the Adoption Agencies (Miscellaneous Amendments) Regulations 2013. Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021

Applies in: England from 30/12/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Adoption - prospective adopter's assessment**

Regulations 28 to 30G apply where the prospective adopter notifies the adoption agency that they wish to continue with the assessment process following notification that they may be suitable to adopt under regulation 27(4).

Legislation: [Regulation 28 of the Adoption Agencies Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the six month time limit for the prospective adopter to respond. Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021.

Applies in: England from 30/12/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Adoption - prospective adopter's report**

The adoption agency must obtain the information about the prospective adopter which is specified in Part 3 of Schedule 4 of the Regulations and must prepare a written report ("the prospective adopter's report") which contains information about the prospective adopter as specified in Regulations.

Legislation: [Regulation 30 of the Adoption Agencies Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to add 'where applicable' in front of paragraph 5a - notify the prospective adopter that the prospective adopter's application is to be referred to the adoption panel; and also in paragraph (6) after "agency must" insert "decide whether or not to refer the case to an adoption panel or proceed to make a decision under regulation 30B without such a referral and, if the case is being referred to an adoption panel, the adoption agency must send".

Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021.

Applies in: England from 30/12/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Adoption - adoption agency decision and notification**

The adoption agency must make a decision and following the decision must proceed to notify the prospective adopter of the decision as specified in Regulations.

Where the adoption agency considers that the prospective adopter is not suitable to adopt a child they must advise the reasons and proceed as specified in Regulations.

Legislation: [Regulation 30B of the Adoption Agencies Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax requirements and time limits regarding the prospective adoption agency decisions and notifications.

Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021.

Applies in: England from 01/07/2013

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### Adoption - review and termination of approval

The adoption agency must review the approval of each prospective adopter in accordance with this regulation.

Legislation: [Regulation 30D of the Adoption Agencies Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax requirements and time limits regarding the review and termination of approval.

Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021.

Applies in: England from 01/07/2013

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### Adoption - duties of adoption agency in section 83 case

Where the adoption agency decides in a section 83 case to approve a prospective adopter as suitable to adopt a child, the agency must send the Secretary of State all information and documents as specified in these regulations.

Legislation: [Regulation 30E of the Adoption Agencies Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to insert 'where applicable' in front of requirements 30E(b) and (C).

Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021.

Applies in: England from 01/07/2013

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### Adoption - proposed placement

Where the local authority is acting as an adoption agency and is considering placing a child for adoption with a particular prospective adopter the authority should comply with regulations regarding:

- notification to, meeting with, ascertaining the views of and providing a counselling service and any further information to the prospective adopter
- carry out an assessment of need of the child and the adoptive family
- consider arrangements for contact with any person
- provide a written adoption placement report
- decide whether or not the decision is to be referred to an adoption panel or to make a decision under regulation 33 and must notify the proposed adopter whether the proposed placement is to be referred to the adoption panel.

Legislation: [Regulation 31 of the Adoption Agencies Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax requirements and timescales relating to decision making.

Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021.

Applies in: England from 30/12/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### Adoption - adoption agency decision on placement

The adoption agency must take into account any recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption with the particular prospective adopter. The agency must comply with regulations regarding written notification of the decision, explaining the decision to the child and the child's case record.

Legislation: [Regulation 33 of the Adoption Agencies Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to change the first paragraph from 'The adoption agency must take into account the recommendation of the adoption panel'.

Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021.

Applies in: England from 30/12/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### Adoption - adoption reviews

Where the local authority is acting as an adoption agency it must comply with regulations regarding the carrying out of a review of both cases where a child authorised to be placed for adoption but not for the time being placed or a child who has been placed for adoption and the timing of such reviews.

Legislation: [Regulation 36 of the Adoption Agencies Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to remove the requirement to carry out a review except where a review is necessary to safeguard and promote the welfare of the child.

Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021.

Applies in: England from 30/12/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### Care placement - frequency of visits

As part of their arrangements for supervising C's welfare, the responsible authority must ensure that their representative ("R") visits C in accordance with this regulation, wherever C is living.

Any visit required by this regulation may be conducted by telephone, video-link or other electronic means.

Where R is unable to visit C within the timescales set out in this regulation the responsible authority must ensure that R visits C as soon as is reasonably practicable thereafter.

Legislation: [Regulation 28 of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to allow visits to be by electronic means and to relax the timescales.

Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021.

Applies in: England from 01/04/2011

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Children Act 1989 Representations - review panel**

Where the local authority have received a request in accordance with regulation 18 they must appoint a panel to consider the representations.

The panel shall consist of three independent persons, one of whom will chair the panel.

The independent person appointed in accordance with regulation 17(2) may not be a member of the panel.

The panel shall meet within 30 working days of the local authority receiving a request in accordance with regulation 18, or as soon as is reasonably practicable.

Legislation: [Regulation 19 of the Children Act 1989 Representations Procedure \(England\) Regulations 2006](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to add flexibility to the timing of the panel meeting. Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021

Applies in: England from 01/09/2006

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Children Act 1989 Representations - recommendations**

After the review panel meeting the panel shall decide on their recommendations and compile a written report which must set out a brief summary of the representations and the panel's recommendations for the resolution of the issues raised in the representations.

Within 5 working days of the meeting or as soon as is reasonably practicable the panel must send its report to the local authority, the complainant and, where one has been appointed, his advocate, the independent person appointed and any other person whom the panel consider has sufficient interest in the case to warrant their receiving such a notice.

Within 15 working days of receiving the panel's recommendations or as soon as is reasonably practicable, the local authority must, together with the independent person appointed under regulation 17(2), consider the recommendations and determine how the authority will respond to them and what they propose to do in the light of them, and must send to the complainant its response and proposals, along with information about making a complaint to a Local Commissioner.

Legislation: [Regulation 20 of the Children Act 1989 Representations Procedure \(England\) Regulations 2006](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to allow some flexibility in the time permitted for issuing the report on the review panel and for the local authority to consider the recommendations. This Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021.

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

#### **Private fostering - actions on notification of proposal to foster**

Where a local authority have received notification of a proposal to foster a child privately they must arrange for an officer of the authority within seven working days or as soon as is reasonably practicable, to visit the proposed foster home, proposed foster carer and family, the child and every parent or person with parental responsibility for the child.

Having completed the visits the officer should prepare a written report to the authority.

Legislation: [Regulation 4 of the Children \(Private Arrangements for Fostering\) Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax the seven day time limit for the visits. Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021

Applies in: England from 01/07/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

#### **Private fostering - actions on notification of child privately fostered**

Each local authority must arrange for an officer of the authority to visit every child who is being fostered privately in their area:

- (a) in the first year of the private fostering arrangement, where reasonably practicable, at intervals of not more than six weeks
- (b) in any second or subsequent year, where reasonably practicable, at intervals of not more than 12 weeks.

The authority must also arrange for every child who is fostered privately in their area to be visited by an officer when reasonably requested to do so by the child, the private foster carer, a parent of the child or any other person with parental responsibility for the child.

Visits and matters considered during visits must be in accordance with regulations and the officer should make a written report of the visit.

Legislation: [Regulation 8 of the Children \(Private Arrangements for Fostering\) Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax the time limit for making visits where not practicable. Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021.

Applies in: England from 01/07/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### Private fostering - subsequent visits to children

Where a local authority have received a notification about a child being fostered privately they must arrange for an officer of the authority within seven working days or as soon as is reasonably practicable visit the premises where the child is being cared for, visit and speak to the private foster carer and family, visit and speak to the child and ensure that all matters relating to the welfare of the child have been considered.

Having made the visits the officer should make a written report to the authority.

Legislation: [Regulation 7 of the Children \(Private Arrangements for Fostering\) Regulations 2005](#)

Notes: Amended by the Adoption and Children (Coronavirus) (Amendment) Regulations 2020 to relax the requirement for visits to be made within seven days. Extended until 30/09/2021 by the Adoption and Children (Coronavirus) (Amendment) Regulations 2021

Applies in: England from 01/07/2005

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Function(s): Planning and building control – Planning policy**

#### Planning - availability of local documents

Where a planning authority is required to make documents available for inspection they must do so by either:

Making the documents available at the offices of the local planning authority or  
- placing the documents on the local planning authority web site for the period of time specified in regulations.

Legislation: [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

Notes: Requirement to make documents available other than on the local planning authority web site suspended by the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020. Where the period for which the documents are to be made available goes beyond 31st December 2021 documents and copies must also be made available in accordance with Sections 35 and 36 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Time limit for the changes extended from 31/12/2020 to 31/12/2021.

Applies in: England from 01/09/2008 to 31/12/2021

Applies to: All local authorities in England

#### Planning - environmental impact assessment

A planning authority shall not grant planning permission or subsequent consent unless they have first taken the environmental information into consideration and they shall state in their decision that they have done so. A LA must follow specified procedures concerning screening opinions, applications, environmental statements, notifications, unauthorised development and other miscellaneous developments.

Legislation: [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)

Notes: Under The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020:

- Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 concerning the procedure where an environmental statement is submitted to a local planning authority is amended to insert (after paragraph 6) paragraph 7
- Regulation 20 concerning publicity where an environmental statement is submitted after the planning application is amended to insert (after paragraph 10) paragraphs 11 to 17
- Regulation 23A which allows exceptions to requirement to ensure availability of copies of environmental statements is inserted
- Regulation 25, relating to further information and evidence respecting environmental statements is amended to insert (after paragraph 11) paragraphs 12 to 22..
- Time limit for the changes extended from 31/12/2020 to 31/12/2021.

Applies in: England from 16/05/2017 to 31/12/2021

Applies to: All local authorities in England

**Function(s): Schools and education – Schools – School admissions**

### Education - admissions appeal arrangements

A local authority shall make arrangements for admissions appeals in accordance with any relevant provisions of the appeals code.

Legislation: [Section 94 of the School Standards and Framework Act 1998](#)

Notes: Regulations and details of arrangements have been revised in England as a result of the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020. Modifications now extended to 30/09/2021 by the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2021. See also sections 95 to 95A of the School Standards and Framework Act 1998 and SIs 2005/1398 (as amended), 2007/105 and 2012/9

Applies in: England from 30/04/2012

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### Schools - admissions appeals

A local authority or the governing body of a school maintained by a local authority must comply with regulations regarding the duration of the school day and school year.

Legislation: [Section 551 of the Education Act 1996](#)

Notes: Details of appeal and decision arrangements have been modified in England by the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020. Modifications now extended to 30/09/2021 by the School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2021. Enabled by School Standards and Framework Act 1998

Applies in: England from 01/02/2012

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

**Function(s): Schools and education – Schools – Curriculum and policy**

### Education - monitoring of key stage 2 assessments

In any school year the local authority should visit 10% of the schools for which they are responsible to monitor the assessment arrangements for the national curriculum key stage 2.

Legislation: [Section 6 of the Education \(National Curriculum\) \(Key Stage 2 Assessment Arrangements\) \(England\) Order 2003](#)

Notes: Amended by the The Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Coronavirus) (Amendment) Order 2021 to exclude the academic years 2019-20 and 2020-21 from this requirement.

Applies in: England from 01/05/2003

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Schools - duration of school day and school year**

A local authority must constitute an appeal panel as prescribed for appeals brought under the School Standards and Framework Act 1998.

Legislation: [School Admissions \(Appeals Arrangements\) \(England\) Regulations 2012](#)

Notes: Amended by the Education (School Day and School Year) (England) (Coronavirus) (Amendment) Regulations 2021 to reduce the number of sessions which need to be held in academic year 2021/22 and changes the regulations determining what counts as a qualifying session in that school year.

Applies in: England and Wales from 05/05/2010

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Schools - moderating KS1 teacher assessments**

Local authorities must make provision for moderating teacher assessments at key stage 1 in respect of the schools which they maintain in relation to at least 25% of all relevant schools.

Legislation: [Regulation 6 of the Education \(National Curriculum\) \(Key Stage 1 Assessment Arrangements\) \(England\) Order 2004](#)

Notes: Modified by the Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Coronavirus) (Amendment) Order 2021 to remove the requirement to moderate assessments for the 2019-20 and 2020-21 academic years.

See also regulation 6A of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004.

Applies in: England from 05/05/2010

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

### **Education - registration of pupils**

A governing body of a school maintained by a local authority must keep a school register in accordance with regulations.

Legislation: [Section 434 of the Education Act 1996](#)

Notes: From 24/08/2020 Coronavirus can be recorded as a reason for the absence of a child from school in circumstances specified in Regulations.

Any obligation to record particulars in accordance with regulation 6 of the Education (Pupil Registration) (England) Regulations 2006 (contents of attendance register) does not apply from 1st June 2020 until the end of the 2021-22 school year.

Applies in: England from 05/05/2010

Applies to: County councils, London Borough councils, Metropolitan councils, Unitary councils

## Revoked duties

### Function(s): Community safety - Emergencies

#### Health protection - collection of group contact details

Where a group of individuals enter premises providing services other than for exempt purposes a local authority running services from the premises must either collect information from each individual who has not scanned the QR code or is unable to do so because of health or disability or is under aged 16 or: a relevant person must request that a single member of the group provides those details in place of any other member of the group doing so. Contact details, the time and place of entry and the number of people in the group must be recorded.

Legislation: [Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021

Applies in: England from 18/09/2020 until 23/09/2021

Applies to: All local authorities in England

#### Health protection - collection of individual contact details

The local authority has a duty to collect required contact details from anyone entering indoor or outdoor premises run by the authority providing services to customers. Certain types of visit are exempt from the requirement and details do not need to be collected where an individual has scanned the QR code, is unable to do so because of health or disability or is under 16.

Legislation: [Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021

Applies in: England from 18/09/2020 until 23/09/2021

Applies to: All local authorities in England

#### Health protection - disclosure of contact details records

A local authority must disclose records of contact details collected pursuant to these regulations when required to do so by the Secretary of State.

Legislation: [Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021

Applies in: England from 18/09/2020 until 23/09/2021  
Applies to: All local authorities in England

### **Health protection - provision of QR code for collection of contact details**

A local authority running any services included in these regulations from indoor or outdoor premises must display and make available a QR code at relevant premises with a view to enabling an individual to scan the QR code.

Legislation: [Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021  
Applies in: England from 18/09/2020 until 23/09/2021  
Applies to: All local authorities in England

### **Health protection - refusal of entry**

Where the local authority (in respect of their property from which the Service is run) becomes aware that either:

- an individual has not provided the details required by these regulations, having been requested to do so in accordance with regulations or
- where it becomes aware that no member of a group has provided the required details, at least one of them having been requested to do so

it must take all reasonable steps to prevent entry by an individual to the relevant premises that they occupy or operate or by every member of a group which seeks to enter those premises.

Legislation: [Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021  
Applies in: England from 18/09/2020 until 23/09/2021  
Applies to: All local authorities in England

### **Health protection - retention and destruction of contact details records**

A local authority must retain, securely, the details provided to, or recorded by, them in respect of contact details for a period of 21 days beginning with the day on which the details are provided.

The authority must then destroy those details as soon as is reasonably practicable after the expiry of the 21 day period unless there is another basis on which the details may lawfully be retained.

Legislation: [Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021  
Applies in: England from 18/09/2020 until 23/09/2021  
Applies to: All local authorities in England

## **Revised powers**

**Function(s): Community safety - Emergencies**

### Health emergency - county directions to district

(1) A county council for an area for which there is also a district council may direct the district council to exercise any of the district council's functions in a specified way.

(2) But a county council may only give a direction under this regulation if it considers that it is necessary and proportionate to do so in order to prevent, protect against, delay or otherwise control the incidence or spread of infection by coronavirus in the district council's area.

(3) A direction under this regulation may be varied or revoked by the county council.

(4) In determining whether to give a direction under this regulation, or to vary or revoke such a direction, a county council must have regard to any advice given to it by:

(a) its director of public health or its interim or acting director of public health (as the case may be), or

(b) a registered public health consultant approved for the purposes of this regulation by a person mentioned in sub-paragraph (a).

Legislation: [Regulation 17 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this power is in force until 24/03/2022. Paragraph 4 revised to include sub-paragraph (b) by the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020

Applies in: England from 02/12/2020 until 24/03/2022

Applies to: All local authorities in England

### Health emergency - directions on prohibitions on public outdoor places

A local authority may give a direction imposing prohibitions, requirements or restrictions in relation to access to a specified public outdoor place in its area, or public outdoor places in its area of a specified description.

Such a direction may in particular prohibit access at specified times.

A direction must:

- specify or describe the public outdoor place or places to which it relates in sufficient detail to enable the boundaries of the place or places to be determined
- state the date and time on which any prohibition, requirement or restriction imposed by the direction comes into effect, and the date and time on which it will end, and
- give details of the right of appeal to a magistrates' court, and the time within which such an appeal may be brought.

Legislation: [Regulation 6 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this power is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022

Applies to: All local authorities in England

### Health emergency - fixed penalty notice for local restrictions

A person authorised by a local authority may issue a fixed penalty notice to anyone that the authorised person reasonably believes has committed an offence under these Regulations, and is aged 18 or over.

A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to an authority specified in the notice.

The authority specified in the notice must be the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed ("the relevant local authority"), or an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation. The amount of the fixed penalty is as specified in Regulations

Legislation: [Regulation 14 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this power is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022

Applies to: All local authorities in England

### Health emergency - giving of directions

Where they consider that there is an imminent threat to public health a local authority may give directions on the imposition of prohibitions, requirements or restrictions in relation to:

- the entry into, departure from, or location of persons in, specified premises in the local authority's area
- the holding of an event in its area
- access to a specified public outdoor place in its area, or public outdoor places in its area of a specified description.

Legislation: [Regulation 2 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this power is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022

Applies to: All local authorities in England

### Health emergency - prohibition notices

A local authority designated officer or a constable may take such action as is necessary to enforce a direction under regulation 4(1), 5(1) or 6(1).

A local authority designated officer may give a prohibition notice to a person if the officer reasonably believes that—

- (a) the person is contravening a direction under regulation 4(1) or 5(1), and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to do so.

"Local authority designated officer" means a person designated by a local authority for the purposes of this regulation.

Legislation: [Regulation 11 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this power is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022

Applies to: All local authorities in England

### **Health emergency - prohibitions, requirements or restrictions on events**

A local authority may give a direction imposing prohibitions, requirements or restrictions in relation to the holding of an event in its area.

(2) A direction may be given in relation to a specified event, or events of a specified description.

(3) A direction may only have the effect of imposing prohibitions, requirements or restrictions on:

- the owner or any occupier of premises for an event to which the direction relates,
- the organiser of such an event, and
- any other person involved in holding such an event.

A direction may, among other things, impose requirements about informing persons who may be planning to attend an event of any prohibitions, requirements or restrictions imposed in relation to the holding of it.

Legislation: [Regulation 5 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this power is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022

Applies to: All local authorities in England

### **Health emergency - restriction of access to a public outdoor place**

A local authority which has given a direction under regulation 6(1) 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.

Any person, other than a local authority mentioned in paragraph (1), who owns, occupies or is responsible for land in a public outdoor place to which a direction under regulation 6(1) relates must take reasonable steps to prevent or restrict public access to that land in accordance with the direction.

No person may without reasonable excuse enter or remain in a public outdoor place to which a direction under regulation 6(1) relates in contravention of a prohibition, requirement or restriction imposed by the direction.

Legislation: [Regulation 7 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this power is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022

Applies to: All local authorities in England

### **Health emergency - restrictions on premises**

A local authority may give a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, specified premises in the local authority's area.

A direction may be given only for the purposes of closing the premises, restricting entry to the premises, or securing restrictions in relation to the location of persons in the premises.

Conditions which must be complied with when issuing directions are specified in the Regulations.

Legislation: [Regulation 4 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this power is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022

Applies to: All local authorities in England

### **Health emergency -proceedings for an offence**

Proceedings for an offence under these Regulations may be brought by a local authority, the Crown Prosecution Service and any person designated by the Secretary of State (but this does not affect any other power to bring proceedings for such an offence).

Legislation: [Regulation 15 of The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 3\) Regulations 2020](#)

Notes: Amended by The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 to extend the period for which this power is in force until 24/03/2022

Applies in: England from 02/12/2020 until 24/03/2022

Applies to: All local authorities in England

## **Revoked powers**

**Function(s): Community safety – Emergencies**

### **COVID secure business obligations - Coronavirus Immediate Restriction Notice (CIRN)**

A Coronavirus Immediate Restriction Notice can be issued by enforcement officers where rapid action is needed to close a premises or restrict an activity to stop the spread of the virus, without first issuing a CIN to stop the spread of the virus. Closure will be for a 48-hour

period initially. The local authority will be required to review the notice. A CIRN can be withdrawn or allowed to expire where the premise has taken necessary steps to remedy unsafe practices.

Where necessary, a local authority can decide to issue a CRN at the end of the 48 hours, so that the premises is required to close for a further 7-day period, or where it is assessed that the premises is causing a serious and imminent threat to public health, a direction can be issued under separate regulations.

Legislation: [Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021  
Applies in: England from 02/12/2020 to 01/06/2021  
Applies to: All local authorities in England

#### **COVID secure business obligations - Coronavirus Improvement Notice (CIN)**

A Coronavirus Improvement Notice can be issued by a local authority when a business is failing to fulfil a provision set out in the relevant coronavirus regulations. This will often be the first step for local authority enforcement officers to encourage businesses to remedy unsafe practices. A CIN will be applied for a minimum of 48 hours. Its actual duration will be at the discretion of the local authority enforcement officer.

Legislation: [Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021  
Applies in: England from 02/12/2020 to 01/06/2021  
Applies to: All local authorities in England

#### **COVID secure business obligations - Coronavirus Restriction Notice (CRN)**

A Coronavirus Restriction Notice may be issued by a local authority when there has been a breach of the provisions of the relevant coronavirus regulations, and a premises has failed to comply with the terms of a Coronavirus Improvement Notice, where this non-compliance creates a risk of exposure to coronavirus.

Following the 7-day period of application, a CRN can be withdrawn or allowed to expire where the premise has taken necessary steps to remedy unsafe practices.

Legislation: [Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021  
Applies in: England from 02/12/2020 to 01/06/2021  
Applies to: All local authorities in England

#### **COVID secure business obligations - fixed penalty notices**

A local authority officer designated for the purposes of this regulation may issue a fixed penalty notice to any person that the officer reasonably believes has committed an offence under this Part and is (in the case of an individual) aged 18 or over.

No more than one fixed penalty notice may be issued in relation to a failure to comply with a single Coronavirus Improvement Notice, Coronavirus Immediate Restriction Notice or Coronavirus Restriction Notice.

Legislation: [Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021  
Applies in: England from 02/12/2020 to 01/06/2021  
Applies to: All local authorities in England

### **COVID secure business obligations - prosecutions**

Where a recipient issued with a Coronavirus Improvement Notice, a Coronavirus Immediate Restriction Notice or a Coronavirus Restriction Notice fails to comply with such a notice the local authority may bring about proceedings for an offence. Proceedings may not be initiated until the end of a period of 28 days from the day after the notice was issued and may only be initiated where the appropriate fixed penalty has been paid before the end of this period.

Legislation: [Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021  
Applies in: England from 02/12/2020 to 01/06/2021  
Applies to: All local authorities in England

### **Health protection - fixed penalty notices for contact details offences**

An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

The authority in the notice must be—

- (a) the local authority, (or as the case may be, any of the local authorities), in whose area the offence is alleged to have been committed (“the relevant local authority”), or
- (b) an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation (“the designated officer”).

The content of the fixed penalty notice and the amount of the fixed penalty must be as specified in these Regulations.

Legislation: [Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021  
Applies in: England from 18/09/2020 until 23/09/2021  
Applies to: All local authorities in England

### **Health protection - fixed penalty notices relating to hospitality settings**

Where a hospitality setting has committed a breach of the requirements of the Regulations an authorised person may issue a fixed penalty notice.

The authority specified in the notice must be either the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed or an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation.

The procedures for issuing a fixed penalty notice and the amount of the penalty should be as described in the Regulations.

Legislation: [Health Protection \(Coronavirus, Restrictions\) \(Obligations of Hospitality Undertakings\) \(England\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021  
Applies in: England from 18/09/2020 until 16/09/2021  
Applies to: All local authorities in England

#### **Health protection - food and drink premises**

A local authority where it is responsible for carrying on a business of a public house, café, restaurant or other relevant business must, during the emergency period, take all reasonable measures to ensure that—

- (a) no bookings for a table are accepted for a group of more than six persons unless one of the exemptions in regulation 5 of the Principal Regulations applies;
- (b) no persons are admitted to the premises in a group of more than six, unless one of the exemptions in regulation 5 of the Principal Regulations applies;
- (c) no person in one qualifying group mingles with any person in another qualifying group where this is not permitted under the Principal Regulations;
- (d) an appropriate distance is maintained between tables occupied by different qualifying groups.

Legislation: [Health Protection \(Coronavirus, Restrictions\) \(Obligations of Hospitality Undertakings\) \(England\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021  
Applies in: England from 18/09/2020 until 16/09/2021  
Applies to: All local authorities in England

#### **Health protection - proceedings for an offence**

Proceedings for an offence related to the collection of contact details under these Regulations may be brought by a local authority and the Crown Prosecution Service.

Legislation: [Health Protection \(Coronavirus, Collection of Contact Details etc and Related Requirements\) Regulations 2020](#)

Notes: Legislation revoked on 18/07/2021  
Applies in: England from 18/09/2020 until 23/09/2021  
Applies to: All local authorities in England