

Delegated Decision Notice

This form is the written record of a key, significant operational or administrative decision taken by an officer.

Decision type	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
Approximate value	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000 <input type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000 <input type="checkbox"/> N/A	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
Director¹	Victoria Eaton – Director of Public Health		
Contact person:	Lynne Hellewell – Public Health Manager		Telephone number: 0113 37 86042
Subject²:	<p style="text-align: center;">Review of and continuation of Direction Notification to restrict specified activities at the premises of La La’s Restaurant for a period ending on 14th December 2020 due to the risk to the public’s health of COVID-19</p>		
Decision details³:	<p>What decision has been taken? (Set out all necessary decisions to be taken by the decision taker including decisions in relation to exempt information, exemption from call in etc.)</p> <p>The Director of Public Health has given –</p> <ol style="list-style-type: none"> 1. Leeds City Council (“the Authority”), in exercise of the powers conferred by regulation 4(1) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020⁴ (“the No. 3 Regulations”), gives the following direction. 2. The Authority considers that the following conditions are met— <ol style="list-style-type: none"> a. this direction responds to a serious and imminent threat to public health; b. this direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus 		

¹ Give title of Director with delegated responsibility for function to which decision relates.

² If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

³ Simply refer to supporting report where used as these matters have been set out in detail.

⁴ In this Direction, any reference to a regulation is a reference to a regulation of the Health Protection (Coronavirus Restriction) (No. 3) (England) 2020 (S.I. 2020/750).

- in the Authority's area; and
- c. the prohibitions, requirements or restrictions imposed by this direction are a proportionate means of achieving that purpose.⁵

3. Before giving this Direction, the Authority has had regard to—

- a. any advice given to it by its Acting Director of Public Health; and
- b. the need to ensure that members of the public have access to essential public services and goods (including whether the individual premises forms part of essential infrastructure).
- c. The Authority's Public Sector Equality Duty under section 149 of the Equality Act 2010

4. The Authority has taken reasonable steps to give advance notice of this direction to the owner or any occupier of the premises or a person carrying on/managing a business from the premises to which the direction relates.

Authorisation was given on the 9th October to issue a direction to prohibit La La's restaurant hosting wedding ceremonies/receptions or other celebratory gatherings, meaning that the restaurant would only be able to take bookings and accept parties of up to 6 persons or single household groups. This direction was issued in order to protect the Leeds population and the populations of surrounding Local Authorities from the significant Public health risk of COVID-19 and the spread of this highly infectious disease.

In accordance with the Regulations this decision was reviewed on the 16th October and again on the 22nd October when the direction notification was continued.

A further review has taken place and the decision taken:-

- that the direction notification issued on 9th October 2020 to La La's restaurant shall remain in place and be subject to further review in accordance with the Regulations in 7 days due to at least one wedding taking place despite the direction to prevent them

⁵ See regulation 2(1).

A brief statement of the reasons for the decision

(Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal, HR and Equality colleagues as appropriate)

The Regulations give the power to the local authority to issue a Direction if the authority considers that the following conditions are met -

- a) that giving such a direction responds to a serious and imminent threat to public health,
- b) that the direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the local authority's area, and
- c) that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose.

Authorisation was given on the 9th October to issue a direction to prohibit La La's venue hosting wedding ceremonies/receptions or other celebratory gatherings, meaning that the restaurants would only be able to take bookings and accept parties of up to 6 persons or single household groups.

La La's restaurant, 501 Leeds and Bradford Road, Pudsey, Leeds LS28 8EE must implement restricted entry to the Premises of any persons who enter for the purpose of a wedding ceremony/reception or celebratory gathering in order to protect the Leeds population and populations of surrounding Local Authorities from the significant Public Health risk of COVID-19 and the spread of this highly infectious disease

This direction was issued in order to protect the Leeds population and the populations of surrounding Local Authorities from the significant Public health risk of COVID-19 and the spread of this highly infectious disease.

In accordance with the Regulations this decision was reviewed on the 16th October and on the 22nd October where the direction notification was continued.

A further review has taken place and the decision taken:-

- that the direction notification issued on 9th October 2020 to La La's restaurant shall remain in place and be subject to further review in accordance with the Regulations in 7 days due at least one wedding taking place despite the direction to prevent them

The Authority considers that the following conditions required under the Regulations are met—

1: This direction responds to a serious and imminent threat to public health;

The infection rate of COVID-19 across Leeds continues to increase and is currently 422 per 100 000, with a significant increase in rate in the over 59s, Leeds is 2nd highest in the region and ranked 33th highest for cases nationally, therefore it is essential to ensure all measures are in place to protect the public's health.

There is an increase in numbers of COVID related admissions and increase in demand for COVID related care in Leeds Teaching hospitals Trust (LTHT).

We continue to see widespread community transmission across Leeds, this situation remains a dynamic picture. All areas across Leeds are showing increasing rates in the older age bands. All wards are experiencing an increase in number of cases with 3 wards above 600/100,000, Calverley and Farsley is currently above 500/100,000, no ward having a 7 day case rate less than 200 per 100,000.

Events of this nature are likely to lead to more people congregating within a specific area. This will increase the likelihood of people from different households coming into closer proximity with each other, increasing the risk of transmission of COVID-19 and worsening the local situation.

2: This direction is necessary for the purpose of preventing, protecting against controlling or providing a public health response to the incidence or spread of infection by coronavirus in the Authority's area;

The data demonstrates clear evidence of ongoing and heightened transmission of COVID-19 across Leeds. Allowing premises to host wedding ceremonies/receptions or any other celebratory events with parties above 6 or from a single household to take place that would lead to large numbers of people congregating together and represents a threat to ongoing measures to contain the virus and limit its transmission. Such a threat is mitigated by the premises adhering strictly to the restrictions set out in Regulations and Guidance. Information received from West Yorkshire Police and Leeds City Council enforcement officers indicate these premises are not adhering strictly enough to the restrictions and so not mitigating the threat.

	<p>3: The prohibitions, requirements or restrictions imposed by this direction are a proportionate means of achieving that purpose;</p> <p>Holding the weddings or similar events poses an additional, unnecessary risk to the local spread of infection in a context of rising infection rates across Leeds and the prevention of the event is the only and proportionate response to the current situation. The restrictions on these two premises may have a disproportionate affect on the Asian community but this has been mitigated by the availability of other premises who are not restricted in this way and that these two premises can still operate in a limited way.</p> <p>The Public Sector Equality duty means we have to consider how decisions affect people who are protected under the Equality Act. Decisions can be made that may be seen as having a negative impact as long as mitigation has been considered. In this case the mitigation is that the Health Protection Regulations have been put in place to protect lives. If this decision was challenged the mitigation in this case is that the protection of lives would be seen as a priority over any potential challenges of discrimination or disadvantage.</p> <p>Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision</p>
Affected wards:	Calverley and Farsley
Details of consultation undertaken⁶:	<p>Executive Member Adults and Health - Cllr Charlwood – 29-10-2020</p> <p>Ward Councillors</p> <p>Calverley and Farsley – Cllr Carlill, Cllr Andrew Carter, Cllr Amanda Carter – 29-10-2020</p>


⁶ Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

	<p>Others</p> <p>Executive Member – Environmental Health – Cllr Rafique – 29-10-2020</p> <p>Executive Member – Communities – Cllr Debra Coupar – 29-10-2020</p> <p>Executive member – Resources – Cllr Lewis – 29-10-2020</p> <p>Chair of Licencing Committee – Cllr Garner – 29-10-2020</p> <p>Council Leader – Cllr Blake – 29-10-2020</p> <p>Scrutiny Chairs – Cllr Hayden, Cllr Anderson – 29-10-2020</p> <p>West Yorkshire Police – Damien Millar – 29-10-2020</p> <p>Chief Executive Officer – Tom Riordan – 29-10-2020</p>	
Implementation	<p>Officer accountable, and proposed timescales for implementation</p> <p>Director of Public Health Officer accountable for Direction Notification issuing before 00.01am on the 9th October 2020</p> <p>Director of Public Health Officer accountable for review of Direction Notification issuing before 00.01am on the 22nd October 2020</p> <p>Director of Public Health Officer accountable for review of Direction Notification issuing before 00.01am on the 30th October 2020</p>	
List of Forthcoming Key Decisions⁷	Date Added to List:- N/A	
	If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision	
	If Special Urgency Relevant Scrutiny Chair(s) approval	
	Signature	Date
Publication of report⁸	If not published for 5 clear working days prior to decision being taken the reason why not possible:	
	If published late relevant Executive member's approval	
	Signature	Date
Call In	Is the decision available ⁹ for call-in?	<input type="checkbox"/> Yes <input type="checkbox"/> No

⁷ See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

⁸ See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

⁹ See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call in. Key decisions are always available for call in unless they have been exempted from call in under rule 5.1.3.

	If exempt from call-in , the reason why call-in would prejudice the interests of the council or the public:	
Approval of Decision	Authorised decision maker ¹⁰ Lucy Jackson Deputy Director of Public Health	
	Signature 	Date 30-10-2020

¹⁰ Give the post title and name of the officer with appropriate delegated authority to take the decision.