



Northumberland

County Council

Direction relating to individual premises

Health Protection (Coronavirus, Restrictions)
(England) (No. 3) Regulations 2020

DIRECTION

- 1 **THIS DIRECTION** is given by **Northumberland County Council** (*"the Council"*) whose principal office is at County Hall, Morpeth, Northumberland, NE61 2EF as the local authority for the purposes of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (*"the Regulations"*) in accordance with its powers under regulation 4(1) of the Regulations.
- 2 This Direction relates to **the Premises** specified in **Schedule 1** and is given for the purposes of closing the Premises by imposing the prohibition set out in **Schedule 2** for the reasons given in that Schedule
- 3 The Council considers that the conditions set out in regulation 2(1) of the Regulations have been met, namely:
 - (a) that giving this 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 Council's area, and
 - (c) that the prohibitions, requirements or restrictions imposed by this Direction are a proportionate means of achieving that purpose.
- 4 The Council considers that the conditions specified in paragraph 3 above have been met because:
 - (a) Northumberland is an "area of intervention" and remains on the Government watch list as it is in the top third of local authorities in terms of COVID-19 case rates and is in the "High" COVID alert level on the Government's contain framework. The current rate of infection in Northumberland is 191.1 per 100,000. This is a slight increase on the previous 7 days.

- (b) Regulatory restrictions on gatherings of people were imposed on 18th September 2020 and further restrictions followed on 30th September 2020. As of the 14th October 2020, and as previously stated Northumberland has a local COVID alert level of “High” under the new three tier system. This indicates a higher level of infection than in other parts of the country and therefore has additional restrictions, this includes restrictions on people socialising outside of their households or support bubbles in any indoor setting in addition there are specific measures and restrictions within the hospitality sector.
- (c) Data from the Council’s Public Health Team shows that the rate of community infections in Sleekburn have remained in excess of 100 per 100,000 over the past month. From the 12th – 18th of October Sleekburn had a rate of 343.7 per 100,000 and between the 19th to the 26th the rate remained above 100 at 114.6 per 100,000. In the last 7 days the rate of community infections in Sleekburn ward have risen slightly to 137.5 per 100,000 and the rate of community infections in Sleekburn ward were the 38th highest in the county having risen slightly from the previous week. Overall, there appears to be a slight increase in transmission across Northumberland in the most recent seven days (191.1 per 100,000 from 167 per 100,000). This variability in transmission demonstrates the need for continuous adherence to social distancing measures and covid secure guidelines and early intervention in areas of concern. Lack of intervention where needed could result in significant increases in infection rates and therefore be detrimental to the health and wellbeing of the population.
- (d) Significant efforts have been taken by the Council and Northumbria Police to inform and assist hospitality businesses to operate in a manner which mitigates against the virus spreading, and whilst the majority of business are operating safely, the Premises to which this Direction relates is not.
- (e) There was a joint visit to the Premises by Council officers and Northumbria Police on the 31st October 2020, the Police officers in attendance captured the visit on body worn video. Upon entering the bar area, customers and staff were not wearing face coverings as required, customers were also standing at the bar. There was also a failure to adhere to the legal requirements regarding the collection of contact details (test and trace) in accordance with “The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020.”

- (f) Customers are permitted to behave in ways which contravene the current local and national regulatory framework. The customers were moving around the bar area without the required face coverings and were able to approach and stand at the bar to order and drink, this is in contravention of "The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020" as it is a legal requirement for a customer to order and then be served alcohol and or food whilst seated at a table, in addition management should also take all reasonable steps to ensure that customers remain seated whilst consuming said alcohol and or food. There also appeared to be mixing of households whilst in the Premises. All of this, together with a failure to adhere to the collection of required data for test and trace, is capable of undoing any degree of protection which earlier adherence to the Regulations and guidance may have offered. This will lead to increased community transmission, increased hospitalisation and an increase in the death rate.
- (g) There is no confidence that those managing the Premises are presently either able or willing to operate in such a way as to comply with the rules relating to multiple households, face coverings, social distancing guidance and the recently introduced local regulatory and national regulatory requirements placed on the hospitality sector such as table service. As such there is a serious and imminent threat to public health should the Premises continue to remain open. The operation of this premises is clearly being undertaken without any consideration of the current regulatory framework.

5 In making this Direction, the Council has given due regard to:

- (a) the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010;
- (b) any advice given by its Director of Public Health; and
- (c) the need to ensure that members of the public have access to essential public services and goods.

EFFECT

6 The prohibition specified in Schedule 2 of this Direction shall have effect on:

- (a) the owner or any occupier of the Premises; and
- (b) any other person involved in managing entry into, or departure from, the Premises or the location of persons in them.

- 7 The said prohibition **shall come into effect** at:
12:00 noon on Tuesday 3rd November 2020
and **shall end** at:
23:59 hours on Tuesday 17th November 2020

REVIEW

- 8 **At least once every 7 days** the Council will review whether the conditions specified in paragraph 3 above continue to be met.
- 9 If on a review of a direction under paragraph 7 above the Council considers that one or more of the conditions in paragraph 3 is no longer met in relation to this Direction, the Council must:
- (a) revoke the Direction without replacement; or
 - (b) revoke the Direction and replace it with a further Direction to which the Council considers that the conditions in paragraph 3 are met.

ENFORCEMENT

- 10 A Council designated officer or a constable have the respective powers to take such action as is necessary to enforce this Direction as are more particularly set out in regulation 12 of the Regulations.

OFFENCES

- 11 A person commits an offence if, without reasonable excuse, the person:
- (a) contravenes this Direction;
 - (b) obstructs a person carrying out a function under the Regulations; or
 - (c) contravenes a direction given under regulation 12 or fails to comply with a reasonable instruction or a Prohibition Notice given under that regulation.
- 12 Any such offence is punishable on summary conviction by a fine of any amount.

APPEALS

- 13 A person on whom this Direction imposes a prohibition, requirement or restriction may appeal against it to the magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980 applies to the proceedings.

- 14 Any such appeal should be made to:

North Northumbria Magistrates

sitting at Mid and South East Northumberland Law Courts

Correspondence address:

Centralised Listing Unit
Gateshead County Court and Family Court Hearing Centre
Gateshead Law Courts
Warwick Street
Gateshead
Tyne & Wear
NE8 1DT

E-mail: NO-Listings@Justice.gov.uk

- 15 Appeals should be lodged as soon as possible and, where possible, submitted within the 7-day review period referred to in paragraph 7 above.

Further information:

For further information please visit the following webpages:

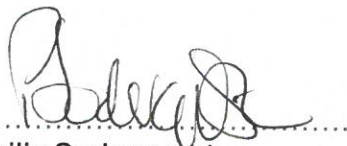
<https://www.gov.uk/government/publications/local-authority-powers-to-impose-restrictions-under-coronavirus-regulations>

and

<https://www.gov.uk/coronavirus>

Dated this 3rd day of November 2020

Signed:



Philip Soderquest
Head of Housing and Public Protection
Duly Authorised Officer

Schedule 1

The Premises

Charltons, Cambois Farm Road, Cambois, Northumberland, NE24 1SF

Schedule 2

Prohibitions, requirements or restrictions imposed by this Direction

Prohibitions	Reasons why this is necessary
<p>The Premises is prohibited from opening to or providing access to members of the public.</p> <p>This prohibition does not prevent the sale of food for consumption off the premises.</p>	<p>This is a response to a serious and imminent threat to public health.</p> <p>The manner in which the Premises is operating is contrary to the regulatory requirements for such premises; is contrary to the published guidance; and involves an increased risk to public health such that it is not in the public interest for the Premises to remain open at this time.</p>

Requirements	Reasons why this is necessary
N/A	

Restrictions	Reasons why this is necessary
N/A	