



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 prohibitions, requirements and/or restrictions as 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 in the highest quintile of local authority areas in terms of COVID-19 case rates and is an '*area of intervention*' on the Government's "*watch list*".
 - (b) Regulatory restrictions on gatherings of people were imposed on 18th September 2020 and further restrictions on 30th September 2020.

- (c) Significant efforts have been taken by the Council 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.
- (d) Data from the Council's Public Health Team indicate that in the last 2 weeks, the rate of community infections in Bedlington Central ward were the 5th highest in the county with Bedlington East being the highest. There is evidence of widespread community transmission.
- (e) A visit to the Premises has revealed that, whilst social distancing guidance is available to management, there is little or no evidence that such guidance is being followed. In addition, the legal requirements with regard to the collection of contact details (test and trace) and the production of a QR reader have not been fully complied with.
- (f) Customers are permitted to behave in ways which contravene the current local and national regulatory framework as well as social distancing guidance, this is capable of undoing any degree of protection which earlier adherence to the Regulations and guidance may have offered.
- (g) There is no confidence that those managing the Premises and running the business are presently either able or willing to operate in such a way as to comply with social distancing guidance or the recently introduced local regulatory and national regulatory requirements. As such there is a serious and imminent threat to public health should the Premises continue to remain open.

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 prohibitions, requirements and restrictions **shall come into effect** at:
17:00 hours on Tuesday 06 October 2020
and **shall end** at:
23:59 hours on Tuesday 20 October 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 North Northumbria Magistrates' Court

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 06 day of October 2020

Signed:



Philip Soderquest
Head of Housing and Public Protection
Duly Authorised Officer

Schedule 1

The Premises

The Wharton Arms, Burdon Terrace, Bedlington, NE22 6DA

Schedule 2

Prohibitions, requirements or restrictions imposed by this Direction

Prohibitions	Reasons why this is necessary
The Premises is prohibited from opening to members of the public	This is a response to a serious and imminent threat to public health. 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.

Requirements	Reasons why this is necessary
n/a	n/a

Restrictions	Reasons why this is necessary
n/a	n/a