



# Northumberland County Council

## **Public Notice** **of a Direction given to impose restrictions** **in response to a serious and imminent threat to public health**

### **WHEREAS:**

- 1 **Northumberland County Council** (*"the Council"*) whose principal office is at County Hall, Morpeth, Northumberland, NE61 2EF is the local authority for the purposes of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (*"the Regulations"*).

### **NOTICE is hereby given that:**

- 2 On the 27<sup>th</sup> October 2020 the Council **gave a Direction** pursuant to regulation 4(1) in respect of the following premises:

**Breakers Pool Bar and Lounge, 42 – 48 Front Street West,**  
**Bedlington, Northumberland, NE22 5UB**

<b>Prohibitions</b>	<b>Reasons why this is necessary</b>
The Premises is prohibited from opening to members of the public  The said prohibition <b>shall come into effect at:</b>  <b>13:00 hours on Tuesday 27<sup>th</sup> October 2020</b>  and <b>shall end at:</b>  <b>23:59 hours on Tuesday 10<sup>th</sup> November 2020</b>	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.

- 3 In accordance with the provisions of regulation 2 of the Regulations, the Council gave the Direction as it considers that the following conditions have been 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.
- 4 The Council will, at least once every 7 days, review whether the conditions in paragraph 3 continue to be met.
- 5 The Direction, which sets out the prohibitions, requirements or restrictions imposed by the Council, together with the consequences of failing to comply with it and the related rights of appeal, may be viewed on the Council's website.

Dated this 27<sup>th</sup> day of October 2020



**Philip Soderquest**  
Head of Housing and Public Protection  
Duly Authorised Officer



# 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 covert alert level on the Government's contain framework.
  - (b) Regulatory restrictions on gatherings of people were imposed on 18<sup>th</sup> September 2020 and further restrictions followed on 30<sup>th</sup> September

2020. As of the 14<sup>th</sup> 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 the rate of community infections in the Bedlington wards remains in excess of 100 per 100,000. Bedlington Central where the Premises is located has experienced some of the highest community infection rates in the county over recent weeks with a rate of 342.1 per 100,000 for the week of the 12<sup>th</sup> - 18<sup>th</sup> October, making it the 9<sup>th</sup> highest in the county, this has been followed by Bedlington West with a rate of 335 per 100,000 (11<sup>th</sup>) and Bedlington East 319 per 100,000 (13<sup>th</sup>). All three wards have seen significant rates since the end September and have only just started to decline. These rates though fall within the top third of the county in terms of infection rates and have remained within the highest rates of community infections over the last four weeks. Currently both Bedlington East (234 per 100,000) and Bedlington West (223.7 per 100,000) are still well above the Northumberland average for positive cases (167 per 100,000). A current rate of 133 per 100,000 within the Bedlington Central area is still of note and a cause for concern. Recently, there has been a slight reduction in the transmission particularly between those under 25 meaning rates across the county are variable and lack of intervention in areas of concern could 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 24<sup>th</sup> October 2020, this revealed concerns around the mixing of multiple households on tables, the staff also appeared to have little or no understanding about the restriction in relation to the mixing of multiple households. The Police captured some of the visit on body worn video. 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 routinely permitted to behave in ways which contravene the current local and national regulatory framework particularly with regard to the restriction on multiple households sitting together. The customers also appeared to move around the bar area without the required face coverings and were able to approach the bar to order and drink, indeed there was signage at the bar which encouraged them to do so. These issues together with the failure to adhere to the rules on the part of the management and collection of 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 and running the business, 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. As such there is a serious and imminent threat to public health should the Premises continue to remain open. The operation of this premises could be described at the high end of non-compliance with 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:

**13:00 hours on Tuesday 27<sup>th</sup> October 2020**

and **shall end** at:

**23:59 hours on Tuesday 10<sup>th</sup> 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:

## Schedule 1

### The Premises

**Breakers Pool Bar and Lounge, 42 – 48 Front Street West,  
Bedlington, Northumberland, NE22 5UB**

## 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	<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	

**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 27<sup>th</sup> day of October 2020

Signed:



Philip Soderquest  
Head of Housing and Public Protection  
Duly Authorised Officer