

**THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND)
(NO. 3) REGULATIONS 2020 (No.2020/750)¹, REGULATION 4(1)**

Direction No3

- 1. Nottinghamshire County Council** (“the Authority”), in exercise of the powers conferred by regulation 4(1) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020² (“the No. 3 Regulations”), gives the following direction(s).

- 2.** The Authority gives the following direction (“Direction No3”) below, having considered that the following conditions are met—
 - 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 in the Authority’s area; and
 - c. the prohibitions, requirements or restrictions imposed by this direction are a proportionate means of achieving that purpose.³

- 3.** The Authority has taken reasonable steps to give advance notice of this direction to the Addressee at the Premises both of which are identified below such advance notice being served on the 8th December 2020.

¹ SI 2020/750 accessed at <https://www.legislation.gov.uk/uksi/2020/750/contents/made>; guidance on local authority powers at: <https://www.gov.uk/government/publications/local-authority-powers-to-impose-restrictions-under-coronavirus-regulations/local-authority-powers-to-impose-restrictions-health-protection-coronavirus-restrictions-england-no3-regulations-2020>

² 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).

³ See regulation 2(1).

Direction No2

Person and premises

4 Direction No3 is given to:-

- (a) Mr Luciano Cilibrizzi trading as the Talking Heads Barbers
("the Addressee")

5. Direction No3 is given in respect of: -

- (a) All the land and buildings at the 155 Portland Road, Hucknall, Nottingham, NG157SB (hereinafter "the Premises") as identified in the register attached to Direction No3
("the Premises").

Directed actions

6. Direction No3 requires the following:

- a. Temporary closure of the Premises;

Timing and duration of direction

7 Any actions required to put into effect the restrictions set out above must be undertaken by **6.00pm (1800hours) on Friday the 11th December 2020** when Direction No3 comes into effect. The restrictions set out above have effect until Friday the 8th January 2021 6.00pm (1800hours).

8 In accordance with Regulation 2(2)(b) of the No. 3 Regulations, the Authority will review Direction No3 at least once every seven days. If the Authority considers that one or more of the conditions in regulation 2(1) are no longer met in relation to Direction No3, it will either be revoked without replacement or revoked and replaced with another direction.

Grounds for Direction

9 Direction No3 is given on the basis that: the Addressee was already subject to a direction under these regulations (Direction No2) to temporarily close. That requirement to close expires at 6.00pm (1800hrs) 11th December

2020. To date, Officers have been working with the Addressee to see whether enough measures can be put in place to offset risks identified. The Addressee continues to fail to have regard to or willingness to implement covid secure measures in relation to close contact services.

Having considered the available evidence and representations from the Director of Health it is considered that previously identified risks remain.

Consequences of not meeting the requirements of the Direction

10 There may be consequences if Direction No3 is not complied with. For example, the Authority may issue a Prohibition Notice⁴ or Fixed Penalty Notice⁵ against you or may commence criminal proceedings against you

11 A person commits an offence if, without reasonable excuse, the person:⁶

- contravenes a direction under regulation 4(1); or
- obstructs a person carrying out a function under the No. 3 Regulations, including any local authority designated officer under regulation 12 or a constable.

Such an offence is punishable on summary conviction by an unlimited fine.

12 If you believe that this direction should not have been issued, and/or it contains incorrect information, please inform the specified point of contact Fiona Needham Trading Standards Fiona.needham1@nottscc.gov.uk setting out your reasons

13 You have a right to appeal against this direction to a magistrates' court by way of complaint for an order.⁷ There is a time limit of **up to six months from the date of issue of this direction to appeal to the Magistrates' Court.** However, bear in mind that this direction will be reviewed by the Authority at least every seven days and it will decide whether to revoke this direction or revoke and replace it with another direction.⁸

⁴ See regulation 12(2) of the No. 3 Regulations.

⁵ See regulation 14(1) of the No. 3 Regulations

⁶ See regulation 13(1) of the No. 3 Regulations.

⁷ See regulation 4(9)(a) of the No. 3 Regulations.

⁸ If this direction was made pursuant to a direction of the Secretary of State under regulation 3 of the No 3 Regulations, a summons is to be issued to both the Secretary of State and the local authority.

- 14** You also have the right to make representations to the Secretary of State about this direction.⁹ The Secretary of State must consider any such representations as soon as is reasonably practicable and decide whether it would be appropriate to exercise the Secretary of State's powers set out in regulation 3 of the No. 3 Regulations. The Secretary of State may direct the Authority to revoke this direction, or revoke and replace this direction. The Secretary of State must provide written reasons for the decision to the person who made the representations and to the Authority.
- 15** In making any representations to the Secretary of State about this direction, the recipient of the direction should do this via NHS Test and Trace, with representations emailed to directionnotification@dhsc.gov.uk. This should include:
- a. The name of the Authority;
 - b. The reference [code/number] listed at the top of this Direction;
 - c. An explanation as to how you have been impacted by the direction and their relationship to the premises, such as whether you are the owner, occupier or involved in managing entry into, or departure from, the Premises, as set out in Regulation 4(5) of the No.3 Regulations;
 - d. An explanation of the basis upon which the direction should not have been made and was or is not appropriate, with reference to the conditions set out in Regulation 2(1) / paragraph 2 of this direction;
 - e. Any evidence which supports this contention; and
 - f. What action you would like to be taken.
- 16** You are still required to comply with Direction No2 pending the outcome of any appeal to the magistrates' court or the Secretary of State.
- 17** You may wish to obtain your own independent legal advice should you seek to pursue an appeal.

Additional powers and requirements that accompany this direction

Publication

- 18** Direction No3 is published on the Authority's website as required by the No.3 Regulations.

⁹ See regulation 4(9)(b) of the No. 3 Regulations.

19 Direction No3 may also be published in such manner as the Authority considers appropriate to bring it to the attention of other persons who may be affected by it.

Notification

20 The Authority is required to notify any *local authority, district council, area of a council in* whose area is adjacent to the initiating authority's area of this direction (and any revocation of the direction) by the No. 3 Regulations¹⁰.

21 The Authority is required to notify the Secretary of State as soon as reasonably practicable after the direction is given.



Anthony May
Chief Executive
An authorised officer on behalf of
Nottinghamshire County Council

9th December 2022

¹⁰ See Regulation 11(1)(a) – (d) of the No. 3 Regulations